RECESS UNTIL TOMORROW AT 10 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate took a recess until tomorrow, June 21, 1967, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 20 (legislative day of June 12), 1967:

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years (reappointment).

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Felix P. Ballenger

SUPPLY CORPS

Paul F. Cosgrove, Jr. Roland Rieve
Grover C. Heffner Stuart H. Smith
Elliott Bloxom

CIVIL ENGINEER CORPS

Spencer R. Smith
James V. Bartlett

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 20, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And they that know Thy name will put their trust in Thee: for Thou, Lord, hast not forsaken them that seek Thee.—Psalm 9: 10.

O Thou in whose presence our spirits find strength, our minds are given fresh insights and our hearts feel the warmth of Thy love—at the gateway of another day we pause in silence before Thee. Incline our souls to seek wisdom and truth and mercy at Thy hands. Reveal to us the way we should go, the decisions we should make, the plans we should follow and may all our work be based upon intelligent conviction and dynamic faith.

Hear us as we pray for those who bear the burden of war and are ready to give their lives that we may continue to live as free men. May we not be heedless of their courage but be ready to bear with them and to support them that out of this turmoil there may come an enduring peace.

Cleanse our national life from discord and violence and suspicion. Keep us from hating one another lest in our ill will we destroy ourselves. Lead us, O Lord, in the ways of unity and peace and good will for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 601. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program.

The message also announced that the Senate requests the House of Representatives to return to the Senate the bill (S. 1577) entitled "An act to complement the Vienna Convention on Diplomatic Relations," together with all accompanying papers.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 67–11.

PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Monday, June 26, or any succeeding day in June, to consider a joint resolution making continuing appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRESIDENT JOHNSON'S FORMULA FOR RESTORATION AND MAINTENANCE OF PEACE IN THE MIDDLE EAST

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, never have the American people had a better opportunity to compare and to contrast the sincerity of their own Government and that of the Soviet Union regarding international peace than by reading in adjoining columns of their newspapers the concise and conciliatory address of their great leader, President Johnson, and the address of Premier Kosygin before the United Nations, Premier Kosygin once more betrayed the true motives of his Government to take advantage of the present crisis in the Middle East for the purpose of bringing more nations and more people under the sway of Russian power.

Mr. Speaker, I am proud to record my approval of President Johnson's formula for restoration and maintenance of peace in the Middle East. Once more he has displayed great ability as a statesman, and his high qualities as the leader of the American people.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. BOGGS. I would like to join in the remarks made by the gentleman from Oklahoma and commend him for making them. May I add that I would hope that while Mr. Kosygin is in the United States he would use this opportunity, the great opportunity that presents itself, for the promotion of world peace, which is desperately needed in the Middle East, Southeast Asia, and many other places on the earth, rather than using it as a crude propaganda effort for Russian power politics which we all understand so well. I commend the gentleman from Oklahoma for his fine speech.

Let me include an editorial from the New York Times for June 20. However, I believe that the President was eminently correct in delivering his address here in the Nation's Capital.

The editorial follows:

MR. KOSYGIN AND MR. JOHNSON

Since the hope had been so slight that he would show some genuine statesmanship in his address to the General Assembly yesterday, it cannot be said that Premier Kosygin's sterile and pedestrian performance was much of a disappointment. It can only be said that Mr. Kosygin failed in his responsibility as leader of one of the most powerful states on earth by rejecting this opportunity to advance the peace of the world in general and of the Middle East in particular.

This does not mean that the doors are automatically closed to an eventual peaceful and just settlement of the Arab-Israel question; but it does mean that Premier Kosygin did little yesterday—in striking contrast to President Johnson—to keep them open. It also means that the Soviet Premier felt it necessary to stand before the world tribunal and engage, in his quiet way, in a transparent distortion of history, in crude vilification, in crass propaganda in order to prove to the Arab states that the Soviet Union, after all, really is their friend. Without flamboyance, without emotion, the Premier of the Soviet Union nevertheless harshly reiterated the almost entirely negative position taken previously by his representative in the Security Council, a demand for return of the *status quo ante*, which could only insure an indefinite continuance of bloody turmoil throughout the Middle East.

A slight ray of hope that Mr. Kosygin might be willing, despite his public posture, to undertake some realistic discussions lies in the few phrases of his speech suggesting readiness "to work together [for justice and peace] with other countries," with special reference to "the Big Powers." This is small evidence to go on; but the inclusion of such phrases could conceivably be significant.

In contrast to the generally obdurate and accusatory line of the Soviet Premier, the President of the United States set forth a reasonable approach to the Middle East problem. Employing dignified and measured language, Mr. Johnson addressed himself not to a false reconstruction of the past, as did Mr. Kosygin, but to a realistic program for the future. We only regret that he did not come to New York to make his speech before the General Assembly.

The establishment of conditions for a last-

ing peace between Israel and the Arab states is the basic American concern, premised of course on the recognition that Israel not only has the right to live, but is going to go on living. Once that fact is accepted, the other pieces of the puzzle can be made to fit together—but only if the Arab states can be persuaded to accept it. The Soviet Union could do much, if it would, to persuade them. Then, and only then, the refugee problem, the arms problem, the water problem, the boundary problem, the free-passage problem and the troop withdrawal problem would be capable of solution.

The President stressed that the United States is ready to see any method of peacemaking tried, both in and outside the United Nations, and among any or all parties. He gives the impression of "playing it cool," which is just about the best way for the United States to act in a situation that has been far too hot too long. What is called for at the moment is no precipitate action by the victorious Israelis in respect to Jerusalem or anywhere else, by the Arabs in the desperation of their defeat, or by the great powers in maneuvering for position. This is, as Mr. Johnson suggested, a time for magnanimity by the victors, for patience by the vanquished, and for vision by the Parliament of Man.

LEGISLATIVE PROGRAM FOR THE PERIOD JUNE 29 TO JULY 10

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the gentleman from Oklahoma, the distinguished majority leader, if he has any information for the membership as to plans for the House over the Fourth of July weekend.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I am very happy that the distinguished minority leader has made this inquiry, because I think the House is entitled to know what the plans are.

After the close of business on Thursday, June 29, we plan to adjourn by resolution until Monday, July 10. We will have a total of some 10 days' vacation during the Fourth of July period.

Mr. GERALD R. FORD. Will the gentleman from Oklahoma reaffirm what I understand is the intent, that we will have business on Thursday, June 29?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. And we will have business on Monday, July 10?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I thank the gentleman from Oklahoma.

THE ENDLESS SEMANTICS OF THE U.N.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, undoubtedly the Nation is weary of the endless semantics of the U.N. Currently, it is engaged in a long and tedious series of charges and countercharges involving the Middle East. This is largely meaningless in that the U.N. has no jurisdiction, and further, it is discussing a problem which already has been resolved. The Israel forces in less than a week settled all the problems for the foreseeable future which have so long plagued the Middle East. If there is any change from the present status, it must be with the recognition and consent of Israel. No amount of talk in the United Nations can modify this situation one whit.

There is no reason to anticipate that Israel should or will bow to the far-fetched and even stupid demands that are being made in the United Nations. Everyone recognizes this as an attempt at facesaving by Russia and her Arab allies. Unfortunately, if these facesaving speeches are played over and over long enough, there may be some people who will be convinced. We may even find the U.S. Government allying itself with some of these demands upon Israel. We allow ourselves to be backed into strange corners at times to the mystification of even our best friends.

Efforts have been made to arouse concern in the United States over the fact that oil from the Middle East is no longer available. I would remind those who appear disturbed that producers in the United States would welcome an opportunity to place more oil on the market; so would South American producers. I would also call attention to the fact that the Arabs have little else to sell but oil. They will be needing a market. The Communist world cannot absorb their output. They will be needing a market much sooner than we need their oil. And, before we again accept their oil, it should be stipulated that there will be reparations for all the damage and destruction to American property, whether it be for the personal effects of U.S. refugees from Cairo or refineries owned by American oil interests.

The question of access to water routes is even more academic. Israel controls the important water routes. This should be guarantee enough that there will be free access to the Suez and to the Gulf of Aqaba in the future.

The President of the United States has said the issues affecting the Middle East must be resolved within the area by the affected powers. In other words, there is very little other than confusion that the U.N. can contribute to peace in the Middle East.

In the meantime, we are paying nearly half of the cost of all the maneuvering and backing and filling which is taking place there.

PERMISSION FOR SUBCOMMITTEE ON FEDERAL AID TO HIGHWAYS AND SUBCOMMITTEE ON ROADS OF THE COMMITTEE ON PUBLIC WORKS TO SIT DURING GENERAL DEBATE TODAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Federal Aid to Highways and the Subcommittee on Roads of the Committee on Public Works be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman notify the House whether the request has been cleared with the minority member of the committee.

Mr. HOWARD. It has been cleared with the gentleman from Florida [Mr. CRAMER].

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NOW IS THE TIME FOR CONSTRUCTIVE STATESMANSHIP, NOT DEMAGOGY

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, it is tragic that Premier Kosygin came all the way to New York to deliver the divisive, destructive speech that the world heard yesterday. If his purpose was merely to curry favor with his Arab clients—as it certainly seemed to be—then he should have gone directly to Cairo and Damascus and saved himself a lot of travel.

Now is the time for constructive statesmanship, not for demagogy.

We are faced with a situation in the Middle East that demands solution, not recrimination.

As Israel's Foreign Minister, Abba Eban, so eloquently inferred, the chief villain in this crisis has been the Soviet Union and its irresponsible shipments of war materiel to the Arab nations. The Soviet Government started the trouble by pouring into the Arab world billions in instruments of slaughter, when these billions should have been spent for education, for food, for homes. His Government would be performing a real service to the Arab States if he reversed his grievous policies and began to spend Russian money to make a better life for the Arab refugees to which his Government have contributed not a cent and the other Arab people. It is a shame that he is wedded to practices which will only exacerbate relations between Arabs and Israelis and their conditions of life.

In contrast, the early morning speech of President Johnson, offered a much more prudent and constructive policy for the disputing nations as he held out the hand of peace through his five great principles. Recognition of each nation's right to live, justice for the refugees, respect for maritime rights, opposition to the arms race, and respect for political independence and territorial independence are principles which can and should be embraced by all the nations in the Middle East.

Premier Kosygin made a serious mistake to come to New York to deliver words of hatred. Now it is time for a restoration of sanity.

TO PROVIDE ADDITIONAL READJUSTMENT ASSISTANCE TO VETERANS WHO SERVED IN THE ARMED FORCES DURING THE VIETNAM ERA

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 16) to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes, with a Senate amendment to the House amendment, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE of Texas, DORN, HALEY, BARING, ADAIR, and AYRES.

PROTECTION FROM RIOTS AND MOB VIOLENCE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, again this summer we are witnessing a wave of riots which are sweeping across the Nation and bringing destruction of private property, looting, burnings, injury, and even death to innocent citizens. Just this week rioters have killed, wounded, and destroyed persons and property in every section of our country. These rioters do not represent freedom of peaceful assembly, legitimate protests, or responsible picketing in pursuit of constitutional rights or economic justice.

We have been given ample warning that no community will be safe from these well-organized and well-trained rioters that have been provided insidious know-how, money, and equipment. They can cross State lines and descend upon peaceful communities jeopardizing the health, happiness, and general welfare of our people.

Our local policemen, sheriffs, and State law enforcement agencies are doing a magnificent job in upholding law and order throughout our Nation. Our State and local law enforcements can deal with local crime and local mobs, but when mob leaders cross State lines bringing with them their trained "demonstrators" and rioters, then local law enforcement agencies and officers need help.

Yes, we are faced with stark mob violence which is often instigated by professional agitators crossing State lines for the purpose of creating anarchy and a breakdown in law and order by force.

When communities are invaded by mobs from other States it is a threat to the general welfare and warrants the urgent attention of Congress. When Molotov cocktails are hurled into private homes and places of business, and pitched battles instigated by mob leaders rage in the streets, the United States becomes an object of ridicule all over the world.

Our men in Vietnam and those standing guard for freedom throughout the world are greatly embarrassed and their morale shaken by such mob violence. The international Communist conspiracy in its diabolical scheme to conquer the world is thus aided by violence and anarchy in the cities of our country.

I supported the amendment last year which would have made it a Federal crime for any person to across State lines for the purpose of exciting riots and mob violence. Mr. Speaker, the same legislation is now before the Rules Committee in the form of H.R. 421. I urge the committee to grant a rule permitting this legislation to come before the House for consideration. The situation is urgent. Law abiding citizens need the support and reasurrance of their Congress in the critical months ahead.

STATESMANSHIP IN AND OUT OF THE UNITED NATIONS

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, all those who had the opportunity to hear or to read President Johnson's remarks of yesterday morning must agree that he was fair, he was honest, he was the statesman par excellence.

Once again, he proved that he and the United States want nothing anywhere more than we want peace everywhere—peace in the Middle East—peace in Southeast Asia—peace everywhere—but peace with justice.

He ignored the epithets thrown at us. He disregarded the incitement to hate by those who would destroy us. He humbly held out in good faith the hand of friendship and showed the world the path to good neighborliness and togetherness and helpfulness.

Almost immediately thereafter the world that watched and listened to the proceedings at the United Nations saw and heard a vituperative exhibition by Communist Russia that was the complete antithesis of our President's posture.

Kosygin was unfair, dishonest, and most unstatesmanlike.

He typified the worst of the big bullies. His threatening diatribe was intended to frighten and scare.

His reference to Hitlerian tactics of murder, ravage, arson, and wanton destruction reminded us of the days when the Russian Communists were cooperating hand in glove with the Nazis until Stalin and Hitler fell out.

The only thing that makes the Arabs and the Communists appear to be brothers is their identical capacity to spume hate and their vile and vicious incitement to destroy a world that God intended for brotherly love.

They cannot succeed. They will not succeed.

The world will yet attain peace with justice despite the intransigence and truculence of the aggressive Arabs and the covetous Communists.

VOTE AGAINST PREVIOUS QUESTION ON RULE TO OPEN WAY FOR AMENDMENTS ON DEBT CEILING BILL TO PREVENT SECRETARY OF TREASURY PAYING U.S. DEBTS TWICE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I urge my colleagues to vote against the previous question when the closed rule on H.R. 10867, the debt ceiling bill, is offered tomorrow.

A vote against the previous question on the rule is necessary so that we may open the way for amendments to the debt ceiling bill.

Mr. Speaker, I plan to offer an amendment which will provide:

First. That the Secretary of Treasury be prohibited from paying any obligation of the U.S. Government more than once; and

Second. That the Secretary of Treasury be prohibited from paying interest on any obligation of the U.S. Government that has already been paid in full.

My proposed amendment, of course, would require that the U.S. Treasury cease to pay $1.9 billion annually in interest on $45 billion worth of bonds being held in the Federal Reserve Bank of New York. These bonds are part of the Federal Open Market Committee's portfolio and they have been paid for in full once.

Mr. Speaker, a vote against the previous question will enable the House to express its opposition to the paying of any Federal debt twice or the paying of interest on obligations that have been paid in full.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, on June 19 I was in my district and am not recorded on rollcall votes Nos. 139, 140, 141, and 142.

If I had been present, I would have voted as follows:

On rollcall No. 139—"yea."
On rollcall No. 140—"yea."
On rollcall No. 141—"yea."
On rollcall No. 142—"yea."

THE DISTRICT OF COLUMBIA REORGANIZATION ACT: BETTER AND MORE REPRESENTATIVE GOVERNMENT

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, the battle for more representational government for the District has been underway for years in the Capital City of the United States. Today the issue is whether or not the 90th Congress will support President Johnson's proposal to modernize and strengthen the government of the District of Columbia.

While not a substitute for the long sought objective of home rule, the reorganization plan will give the District strong executive leadership and a "broadly representative" city council.

The President has proposed a single Commissioner to replace the present three-man Board of Commissioners. This Commissioner—chosen from outstanding candidates from all over the country—will be similar to a mayor in his executive responsibilities and actions. He will be joined by a nine-member Council—similar to city councils in most urban communities—which will make rules and regulations for the city—the local ordinances—as will as budget recommendations. Appointments to the Council will be made with a view toward achieving a membership broadly representative of the District community.

This proposal is essential if we are to have a local government capable of meeting the needs of District residents. The time is long overdue for such positive action. And I think the 90th Congress must be responsive to a proposal that is so fair and just.

This proposal will help restore some of the basic rights of 800,000 Americans who reside in Washington. It is a proposal that is warmly endorsed by the civic and religious and business leaders of this community. It is a proposal favored by the overwhelming majority of District residents.

Even the opponents concede that reorganization of the District government is necessary. Resolutions of disapproval should not rest on an alleged jurisdictional basis. The District of Columbia Committee remains free at any time to make improvements in the plan. Many of us on the committee will support these improvements but do not believe we should stop this plan or take a chance that nothing will be done.

I hope we will pass this plan and then continue with the job in committee to correct those deficiencies which have not been or could not be reached through the reorganization plan.

PEACE IN THE MIDDLE EAST

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILBERT. Mr. Speaker, the contrast between the leader of the free world and the leader of the Communist world was never more clearly manifested than it was yesterday, when both addressed themselves to the issue of peace in the Middle East.

President Johnson's words were full of hope. They embodied an objective approach to the grievous problems that have beset the Middle East, largely as a consequence of the mischief making of Moscow. President Johnson faced the Middle East question realistically, without dogma, without any effort to acquire gross partisan gain. He showed wisdom and strength.

Premier Kosygin, in contrast, presented a grim message to the United Nations, grim because it was so devoid of the spirit of conciliation that must be forthcoming from the Soviet Union if there is to be peace and progress, where, in the past, there has been war and poverty. Premier Kosygin gave us an exercise in absurdity, an experience in fanaticism, a demonstration of demagoguery. He did nothing whatever to advance the cause of a Middle East settlement.

We must face the fact, I feel, that there will be not stability in the Middle East until the Soviet Union decides that its people and its assets are more than pawns in the cold war. As soon as Russia recognizes that its own interest is served by stability, then we can all work toward that worthy end.

In the meantime, Mr. Speaker, I am confident that the President will not abandon his support of the justified interests of Israel, a country which I believe will be magnanimous in victory just as it was self-reliant in crisis. Israel resolved the military problem in the Middle East. This Government must remain at Israel's side while the diplomatic battles are waged to prevent still another recurrence of war in our day.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE LATE JAMES R. BEVERLEY, FORMER GOVERNOR OF PUERTO RICO

Mr. POLANCO-ABREU. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. POLANCO-ABREU. Mr. Speaker, Puerto Rico was saddened this past weekend by the death of its former Governor, James R. Beverley, who for the better part of his life served public purposes in the island and contributed heavily in civic functions benefiting the Puerto Rican people, although he was a Texan by birth.

James Beverley came to Puerto Rico in 1925 and took up posts as Deputy Attorney General, Special Adviser to the Public Service Commission, and Attorney General until 1931, when he was appointed Governor by President Herbert Hoover. He left that office in 1933, but his public service was really just beginning.

Governor Beverley had fallen in love with Puerto Rico, and he remained on the island where his children were born and raised and where he made his permanent home and enjoyed the lasting affection of his fellow Puerto Rican citizens.

Upon leaving the office of the chief executive, Governor Beverley established a law firm, today known as Beverley, Castro & Rodriguez Lebron. His son William, joined this firm years ago.

Throughout his life as a leading attorney in Puerto Rico, Governor Beverley took an interest and an active part in Puerto Rican public affairs, and he was active also in politics according to the dictates of his persuasion.

The efforts to which he devoted himself included those of executive positions which he held in various corporations, those as a member of the Puerto Rico Bar Association and the Bankers Club, those as chairman of the board of trustees of Inter-American University and as a member of the board of the Presbyterian Hospital in San Juan, and those which he enjoyed so much in working with the Boy Scouts organization.

Governor Beverley in 1962 was awarded a certificate of merit by the Puerto Rico Chamber of Commerce in recognition of his many contributions in political, social, and civic matters.

Governor Beverley became one of Puerto Rico's leading private citizens through his honesty, energy, and dedication to the principles in which he believed. He will be sorely missed in our community, and I join with his many friends in extending deepest sympathy to his widow, Mary, and to James and William, his sons.

CHRIS KRAFT CHOSEN VIRGINIAN OF THE YEAR

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, it is my privilege to salute Christopher C. Kraft, Jr., Director of Flight Operations for the NASA space flight program, who has just been named Virginian of the Year by the Virginia Press Association.

Virginia is proud of her native son. I am particularly pleased at this honor, because Chris Kraft is a graduate of Virginia Tech at Blacksburg in the congressional district I am privileged to repre-

sent. Indeed, he is the recipient of the Distinguished Alumnus Citation from Virginia Tech. I was thrilled to attend the campus ceremonies which honored him.

Among his other awards are NASA Distinguished Service Medal, the Arthur Fleming Award as one of the 10 outstanding men in Government service, his selection by Life magazine as one of the 100 outstanding leaders of the Nation, and an honorary doctorate in engineering from the Indiana Institute of Technology.

I am sure that all Americans will join in paying tribute to Chris Kraft when he receives the Parks-Mason Memorial Award in Richmond on Saturday, June 24. The award itself is a material manifestation of the affection in which he is held. A silver printer's stick mounted on a piece of wood from the historic Gunston Hall, home place of George Mason whose Virginia Declaration of Rights was the forerunner of the Bill of Rights, will bear the initials CCK in his honor.

In days ahead, as man moves farther out of his own safe and familiar environment into the unknown elements of space, we feel a considerable measure of pride and sense of reassurance in the knowledge that the talents of Chris Kraft will be directing America's bold new adventure.

LEGISLATION INTRODUCED BY REPRESENTATIVE KLEPPE TO CURB IMPORTS OF EGYPTIAN EXTRA-LONG-STAPLE COTTON INTO THE UNITED STATES

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced a companion bill to the legislation introduced by the distinguished chairman of the House Agriculture Committee, the gentleman from Texas [Mr. POAGE], and by 24 other Members of the House to curb imports of Egyptian extra-long-staple cotton into the United States.

We never really needed Nasser's cotton. Certainly we do not need it today.

Production of extra-long-staple cotton in this country has declined from 161,000 bales in 1963 to an estimated 71,000 bales this year. In the 1964–65 quota year, Egypt shipped 69,431 bales of extra-long-staple cotton to the United States.

The proposed bill would close U.S. markets to "raw, semiprocessed, or processed extra-long-staple cotton which is the product of a country which has severed diplomatic relations with the United States during the 1-year period ending on the date of the enactment of this legislation."

It also directs the Secretary of Agriculture to "give domestic producers the opportunity to produce an amount of such extra-long-staple cotton equal to any reduction in supply which may result from this enactment."

There has never been any sound reason for importing cotton or any other farm commodity which our own growers are able to produce in sufficient quantity. I would hope to see the Congress take early action not only to reduce imports of extra-long-staple cotton but also to cut imports of dairy products and meats which are currently flooding domestic markets and forcing down prices received by American farmers.

THE TIME HAS COME FOR CONGRESS TO FACE UP TO THE FACT THAT LAWLESSNESS AND DISORDER HAVE GOTTEN OUT OF HAND

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, the time has come for Congress to face up to the fact that lawlessness and disorder have gotten out of hand. It is time that we accept our responsibility to the people of this Nation. It is time that we pass antiriot legislation to give local law enforcement officials the cooperation and backing of the Federal Government in their efforts to cope with what has become a national scandal.

We are witnessing the interstate transportation of disorder. We here in the Congress have the lawmaking authority to deal with this problem and we should do so without further delay. We owe it to those who have elected us to office. Irresponsible elements have created a situation that none of us like—but in doing so they have obligated us to act.

There is antiriot legislation holed up in the Judiciary Committee of this House. It should be brought to the floor and acted upon immediately. Every day of delay lessens the influence of this body. The crisis is here. We have the tools at our command. Mr. Speaker, this Congress should and must act on the antiriot bill so that this malicious evil can be dealt with on the only terms that those who are fomenting trouble can understand.

Let us not kid ourselves. We have organized, interstate violence in our midst, and it is time that we face up to this fact and bring it to a halt. Passage of antiriot legislation would provide those who are attempting to keep law and order with the authority to prevent interstate transport of violence and civil disobedience.

DRAFT REFORM STILL NEEDED

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, the conference report on the draft which we are considering today is a great disappointment. Regrettably it has been gutted in conference of its most significant provision.

The bill passed by the House would have provided that, for the first time, there must be a high degree of uniformity among the Nation's 4,084 local draft boards. But at the insistence of conferees from the other body this provision has been emasculated.

This draft measure contains, or permits the implementation of, a majority of the reforms called for in the Draft Reform Act of 1967, H.R. 5017, which I introduced on February 7.

But of all the points, none was more significant, none was more far-reaching, than the House committee amendment adopted at my urging which, for the first time, would have provided for creation of national deferment standards uniformly administered throughout the country.

This amendment would have given the Selective Service System the predictability, fairness, and national uniformity that it utterly lacks now. But this amendment has been gutted in conference at the insistance of the other body.

The Constitution puts national defense solely in the hands of the Federal Government. Yet the present draft system produces the men to serve by using 4,084 different sets of policies and practices, depending on which local board has the registrant's file.

The Marshall Commission report is replete with examples of how the particular local board with which a man is registered can determine his draft situation.

As the law now stands, one local board does not have to agree with another, nor with selective service headquarters. And two identical cases before the same board need not be decided alike. More public criticism has been leveled at this point than at any other. That criticism has been justified.

The other body has insisted that we extend the present system without remedying its greatest weakness.

The amendment which I proposed in committee, and which the committee and this House accepted, would have provided for specific, tightly drawn, national standards for local boards in classifying men as available, deferred, or exempt.

It would have eliminated the sentence in the present law which tells local boards they can ignore national standards. But that sentence has been restored in the conference bill at the insistence of the other body.

It would have required the President to establish, whenever practicable, national classification criteria. And it would have had the President require that those national criteria be uniformly administered by the local draft boards to the extent that such action was consistent with the national interest.

But the conference bill merely allows the President to recommend national criteria and to recommend that they be followed. Uniformly national standards will be a dead letter because of the changes insisted upon by the other body.

Without this change we will perpetuate a national pattern of inequity, a crazy quilt of inconsistent deferment policies from one board to another.

Mr. Speaker, I shall vote for passage of this bill today because there is little choice open to us. The parliamentary situation prevents any change in the form of this bill. It must be voted up or down without change. But I do so reluctantly, and with the hope that the day is not far off when we may get substantial draft reform.

SUSPENSION OF THE RULES AND CONSENT CALENDAR MADE IN ORDER ON MONDAY, JULY 10, AND PRIVATE CALENDAR MADE IN ORDER ON TUESDAY, JULY 11

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday, July 10, 1967, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII; that it shall also be in order on that date to consider business under clause 4, rule XIII, the Consent Calendar rule; and that on Tuesday, July 11, 1967, it shall be in order that the Private Calendar may be called.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, would the gentleman explain to the House the intent of the waiver of this rule as requested by unanimous consent?

Mr. ALBERT. In order that we might call the Consent and Private Calendars, because we are passing them on the first Monday and Tuesday in the month.

Mr. HALL. It simply defers them?

Mr. ALBERT. It simply defers the calling of the calendars.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON H.R. 10943

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the bill H.R. 10943, higher education amendments.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

E. F. FORT, CORA LEE FORT CORBETT, AND W. R. FORT

The Clerk called the bill (H.R. 2661) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEMETRIOS KONSTANTINOS GEORGARAS

The Clerk called the bill (H.R. 1596) for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PUGET SOUND PLYWOOD, INC., OF TACOMA, WASH.

The Clerk called the bill (H.R. 4949) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DR. ALFREDO REBOREDO-NEWHALL

The Clerk called the bill (S. 66) for the relief of Dr. Alfredo Reboredo-Newhall.

There being no objection, the Clerk read the bill, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Reboredo-Newhall shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 1, 1962.

The bill was ordered to be read the third time, was read the third time, and passed.

AMENDMENT OFFERED BY FEIGHAN

Mr. FEIGHAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: Amend the title so as to read: "For the relief of Dr. Alfredo Reboredo-Newhall."

The amendment was agreed to.

A motion to reconsider was laid on the table.

RENE HUGO HEIMANN

The Clerk called the bill (H.R. 1619) for the relief of Rene Hugo Heimann.

There being no objection, the Clerk read the bill, as follows:

H.R. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rene Hugo Heimann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORRIS L. KAIDEN

The Clerk called the bill (H.R. 2278) for the relief of Morris L. Kaiden.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

VIVIAN COHEN KAIDEN

The Clerk called the bill (H.R. 2279) for the relief of Vivian Cohen Kaiden.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT, Mr. HALL, and Mr. GROSS objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

HWANG DUK HWA

The Clerk called the bill (H.R. 1724) for the relief of Hwang Duk Hwa.

There being no objection, the Clerk read the bill, as follows:

H.R. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hwang Duk Hwa shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required fee. Upon the granting of permanent residence to such alien, as provided for in this Act, the Secretary of State shall instruct the proper control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Hwang Duk Hwa may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. George Raiola, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNUNZIATA DI CARLUCCIO

The Clerk called the bill (H.R. 4952) for the relief of Annunziata Di Carluccio.

There being no objection, the Clerk read the bill, as follows:

H.R. 4952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Annunziata Di Carluccio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Annunziata Di Carluccio. From and after the date of the enactment of this Act, the said Annunziata Di Carluccio shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Annunziata Di Carluccio."

A motion to reconsider was laid on the table.

ANTONINA RONDINELLI ASCI

The Clerk called the bill (H.R. 1564) for the relief of Antonina Rondinelli Asci.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARINA PANAGIOTIS RESTOS

The Clerk called the bill (H.R. 1818) for the relief of Marina Panagiotis Restos.

There being no objection, the Clerk read the bill, as follows:

H.R. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marina Panagiotis Restos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota or quotas for the first year that such quota or quotas are available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Marina Panagiotis Restos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Peter Restos, a citizen of the United States and a lawfully resident alien of the United States, respectively, pursuant to section 204 of the Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARLOS ROGELIO FLORES-VASQUEZ

The Clerk called the bill (H.R. 2036) for the relief of Carlos Rogelio Flores-Vasquez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ARANKA MLINKO

The Clerk called the bill (H.R. 3007) for the relief of Mrs. Aranka Mlinko.

There being no objection, the Clerk read the bill, as follows:

H.R. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Aranka Mlinko shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided,* That any fee received by any agent or attorney on account of services rendered in connection with this Act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Aranka Mlinko. From and after the date of the enactment of this Act, the said Mrs. Aranka Mlinko shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCESCO CORIGLIANO

The Clerk called the bill (H.R. 3471) for the relief of Francesco Corigliano.

There being no objection, the Clerk read the bill, as follows:

H.R. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Francesco Corigliano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Francesco Corigliano. From and after the date of the enactment of this Act, the said Francesco Corigliano shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. INGE HEMMERSBACH HILTON

The Clerk called the bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COASTWISE PRIVILEGES TO THE VESSEL "NORTHWIND"

The Clerk called the bill (H.R. 7043) to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Northwind,* owned by Wallace P. Smith, Jr., of Centerville, Md., to be documented as a vessel of the United States with coastwise privileges.

There being no objection, the Clerk read the bill, as follows:

H.R. 7043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the Secretary of the Department under which the United States Coast Guard is operating shall cause the vessel Northwind, owned by Wallace P. Smith, Junior, of Centreville, Maryland, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is, from the date of enactment of this Act, continuously owned by a citizen of the United States. For the purposes of this Act, the term "citizen of the United States" includes corporations, partnerships and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

With the following committee amendment:

On page 1, line 3, strike out "section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 143]

Ashley	Foley	Sisk
Battin	Hanna	Stephens
Brown, Calif.	Hardy	Stuckey
Byrnes, Wis.	Moore	Thompson, N.J.
Celler	O'Hara, Mich.	Tiernan
Cleveland	Olsen	Utt
Corbett	Pucinski	Williams, Miss.
Cowger	Purcell	Wilson,
Downing	Reuss	Charles H.
Duncan	Roush	Younger
Fino	Roybal	
Flood	St. Onge	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING AND EXTENDING THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 346)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That the Universal Military Training and Service Act is amended as follows:

"(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"'(a) This Act may be cited as the "Military Selective Service Act of 1967".'

"(2) Section 4 (50 App. U.S.C. 454) is amended by:

"(a) Inserting after the first proviso of subsection (a) the following: '*Provided further,* That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.', and

"(b) Adding the following new subsection (g) to read as follows:

"'(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.'

"(3) Section 5(a) (50 App. U.S.C. 455(a)) is amended by inserting '(1)' immediately after 'SEC. 5. (a)'; and by adding at the end thereof a new paragraph as follows:

"'(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967.'

"(4) Section 6(c)(2)(A) (50 App. U.S.C. 456(c)(2)(A)), is amended to read as follows:

"'(2)(A) Any person, other than a person referred to in subsection (d) of this section, who—

"'(i) prior to the issuance of orders for him to report for induction; or

"'(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

"'(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title;

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this clause may be accepted notwithstanding the provisions of section 15(d) of this title. Notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.'

"(5) Section 6(a) (50 App. U.S.C. 456(a)) is hereby amended to read as follows:

"'SEC. 6. (a)(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces, and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4, except that aliens admitted for permanent residence in the United States shall not be so exempted. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than eighteen months in the armed forces of a nation with which the United States is associated in

mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided,* That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such eighteen-month period: *Provided further,* That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

"'(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph, had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.'

"(6) Section 6(h) (50 App. U.S.C. 456(h)) is amended to read as follows:

"'(h)(1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term "prime age group" means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

"'(2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided,* That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further,* That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.'

"(7) Section 6(j) (50 App. U.S.C. 456(j)) is amended to read as follows:

"'(j) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.'

"(8) Section 10(b)(3) (50 App. U.S.C. 460(b)(3)) is amended by:

"(a) Inserting the following new proviso at the end of the first sentence thereof: '*Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces.'

"(b) Deleting the colon immediately preceding the first proviso, substituting a period therefor and inserting the following: 'No member shall serve on any local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No citizen shall be denied membership on any local board or appeal board on account of sex. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1968.'

"(c) Inserting immediately before the last sentence thereof the following: 'No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided,* That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant.'

"(9) Sections 10(b)(4) (50 App. U.S.C.

460(b)(4)) is amended by deleting the semicolon at the end of the paragraph, substituting a colon therefor, and adding the following: *'Providing further,* That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the "executive secretary" of the local board or boards: *And provided further,* That the term of employment of such "executive secretary" in such position shall in no case exceed ten years except when reappointed;'

"(10) Section 10(g) (50 App. U.S.C. 460(g)) is amended to read as follows:

"'(g) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.'

"(11) Section 12 (50 App. U.S.C. 462) is amended by:

"(a) Deleting the last sentence of subsection (a) and substituting the following in lieu thereof: 'Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any *United States* district court or *United States* court of appeals shall take precedence over all other cases pending before the court to which the case has been referred.'

"(b) Adding a new subsection (c) as follows:

"'(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.'

"(12) Section 17(c) (50 App. U.S.C. 467(c)) is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (77 Stat. 4), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 3. Section 16 of the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2216), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 4. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (77 Stat. 4), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out 'July 1, 1967' whenever that date appears and inserting in place thereof 'July 1, 1971'.

"SEC. 6. Chapter 39 of title 10, United States Code, is amended—

"(1) by inserting the following new section after section 673:

"'§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units

"'(a) Notwithstanding any other provision of law, the President may order to active duty any member of the Ready Reserve of an armed force who—

"'(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

"'(2) has not fulfilled his statutory reserve obligation; and

"'(3) has not served on active duty for a total of 24 months.

"'(b) A member who is ordered to active duty under this section may be required to serve on active duty until his total service on active duty equals 24 months. If his enlistment or other period of military service would expire before he has served the required period under this section, it may be extended until he has served the required period.

"'(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

"'(1) family responsibilities; and

"'(2) employment necessary to maintain the national health, safety, or interest.'; and

"(2) by inserting the following item in the analysis:

"'§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units.'"

And the House agree to the same.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDW. HÉBERT,
MELVIN PRICE,
WILLIAM H. BATES,
L. C. ARENDS,
Managers on the Part of the House.

RICHARD B. RUSSELL,
JOHN STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432), an act to amend the Universal Military Training and Service Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate on May 11, 1967, passed and referred to the House of Representatives S. 1432, a bill which had as its fundamental objective an extension for a period of 4 years, from July 1, 1967, through July 1, 1971, of the induction provisions of the Universal Military Training and Service Act. The bill also extended related authorities for a similar period of 4 years.

The House of Representatives on May 25, 1967, amended the Senate bill, S. 1432, by striking all after the enacting clause and substituting new language in the form of an amendment.

As a consequence of the House action, there existed 14 major differences in the House and Senate versions of S. 1432. Each of the differences is identified below together with a resolution of the differences and an explanation of the action taken.

DIFFERENCE NO. 1

The House language would have changed the name of the act to the "Military Selective Service Act of 1967".

The Senate language would have changed the name of the act to the "Selective Service Act of 1967".

The House conferees pointed out that the fundamental purpose of the act was to meet and satisfy *military* manpower requirements and, therefore, should be more correctly identified as the "Military Selective Service Act of 1967".

The Senate conferees therefore receded and accepted the House language.

DIFFERENCE NO. 2

The House language proposed a change in the declaration of policy of the act by adding the following words:

"The obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation * * *."

The Senate language contained no change in this section of the act.

The House conferees maintain that inclusion of this new language proposed by the House simply reaffirms the policy heretofore observed in connection with the administration of the act and the use of the induction authority provided the President under the act.

The Senate conferees agreed that this fundamental policy was self-evident. However, they insisted that inclusion of this language could possibly raise questions of semantics and legal interpretation of the precise circumstances under which "the security of this Nation" required the use by the President of the induction authority of the act. The Senate conferees pointed out that this language therefore added nothing new to the act but could create possible unforeseen legal complications which would unnecessarily restrict the President's ability to insure satisfying changing military manpower requirements.

The Senate conferees being adamant in their position, the House receded from its position.

DIFFERENCE NO. 3

The House amendment added language intended to insure that a registrant who prolongs the litigation of his draft classification beyond the age of 26 would nonetheless remain liable for induction if he is later found qualified for induction regardless of his age.

No similar provision was contained in the Senate language.

The Senate conferees agreed to the House language and therefore receded from their position and accepted the House amendment.

DIFFERENCE NO. 4

The House language required the President to establish a National Manpower Resources Board that would make recommendations on occupational and student deferments.

No similar provision was contained in the Senate language.

The Senate conferees agree in principle to the objectives of the House language. However, the Senate conferees were strongly of the opinion that the functions proposed for this board should and could more properly be discharged by the National Security Council itself. Therefore, the Senate conferees insisted that this function be vested directly with the National Security Council.

The House conferees, therefore, receded from their position and agreed to accept a Senate amendment which would provide as follows:

"(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population."

DIFFERENCE NO. 5

The House language provides that the President could initiate a random system of selection only if the Congress had not enacted a resolution of disapproval within 60 days after notice of the intent to adopt such a system. The Senate bill contained no similar provision.

The House conferees pointed out that the recommended House language reflected the concern of the House that initiation of a new system of selection might adversely affect voluntary enlistments and officer procurement in the Armed Forces. It was pointed out that the executive branch, in testimony before both the Senate and House Armed Serv-

ices Committees, as yet, has failed to recommend an agreed upon position in respect to the details of a new so-called FAIR system of selection.

The House conferees also pointed out that without restrictive language of the type suggested by the House, a new selection system could be initiated by the executive branch without further reference to the Congress. Thus, the Congress, which has the unique constitutional responsibility of "raising armies" would nonetheless be precluded from playing an affirmative role in a matter which vitally and directly affects the Armed Forces.

The House conferees also called attention to the fact that the Senate itself reflected these same reservations concerning the initiation of a new system of selection. Therefore, the House conferees insisted on its proposed language.

Although the Senate conferees were aware of the existence of precedents for such a disapproval by resolution, they considered that the circumstances in this instance are such that it is preferable for the Congress to discharge its legislative responsibilities through the enactment of a statute or the refusal to enact one, instead of by retaining what is in effect a veto of executive action. Consequently, although the Senate bill had not prohibited the initiation of a random system of selection, the conference agreement is to prohibit the initiation of such a system. At such time as a specific plan for making selections by a random or other system has been formulated, the Congress will promptly consider the desirability of authorizing the use of such a system.

The Senate therefore agreed to recede from its position with an amendment.

The agreed-upon position of the House and Senate conferees therefore will enable the Congress to act affirmatively and exercise its legislative and constitutional responsibilities in respect to future proposals of the Executive to modify or revise the existing system of selection.

The substitute language adopted by the conferees reads as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on that date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967."

It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

DIFFERENCE NO. 6

The House language provides that medical officers of the Public Health Service would be deferred in the future only if they are assigned to the Public Health Service, including the National Institutes of Health and the Coast Guard. The House language was designed to prohibit deferments for Public Health Service officers assigned to such organizations as the Peace Corps, the Food and Drug Administration, the Department of Agriculture, the Bureau of Prisons, and the Office of Economic Opportunity.

The Senate bill contained no similar prohibition.

The Senate conferees agreed in principle to the objectives of the House language. However, the Senate conferees were of the opinion that Public Health Service officers assigned to the Bureau of Prisons as well as Public Health Service officers assigned to the Environmental Science Services Administration should also be permitted continued exemption from military service. The Senate conferees pointed out that failure to include these Public Health Service personnel, among those exempt from military service, would severely restrict the ability of the Public Health Service to provide adequate medical manpower to staff Federal prisons. The Bureau of Prisons is responsible for the care of approximately 20,000 prisoners in 30 institutions. Currently, 96 physicians and dentists are assigned by the Public Health Service to these duties, most of whom are individuals who would otherwise be obligated to perform military service. In the case of Public Health Service officers assigned to the Environmental Science Services Administration in support of the Coast and Geodetic Survey there are now approximately six officers so assigned. The Environmental Science Services Administration, formerly the Coast and Geodetic Survey, has traditionally looked to the Public Health Service for its medical officers. Consequently, the conferees agreed to continue this practice. The conferees also agreed to the saving clause which appears in the House language. This is intended to preclude penalizing those persons who prior to the effective date of the provisions of this subsection had actually been in receipt of orders detailing or assigning them to duty outside the Public Health Service.

The Senate conferees therefore receded from their position with an amendment.

DIFFERENCE NO. 7

The House amendment proposed a substantial revision in existing provisions of section 6(h) of the law relating to Presidential authority to provide for the deferment from training and service in the Armed Forces of students and all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose activity in study and research or other endeavors are found to be necessary to the maintenance of the national health, safety, or interest.

The Senate language contained no similar provision.

The House conferees pointed out that the rewrite of this section of the law accomplished the following objectives:

1. It, unlike present law, provided a statutory and clear-cut criteria for all undergraduate student deferments.

2. It continued the existing authority of the President to prescribe regulations and criteria for the deferment of students pursuing graduate studies as well as persons preparing for, or engaged, in occupations or professions found to be necessary to the maintenance of the national health, safety, or interest.

3. It also provided that the President, whenever practicable, shall establish national criteria for the classification of persons subject to induction and, to the extent that such action is determined by the President to be consistent with the national interest, require such criteria to be administered uniformly throughout the United States.

The Senate conferees agreed in principle to the general objectives of the House language. However, the Senate conferees desired a clarification of the House language in respect to the eligibility of graduate students for possible occupational deferments if such individuals are subsequently employed in occupations necessary to the maintenance of the national health, safety, or interest, as ascertained by the National Security Council. Furthermore, the Senate conferees strongly objected to the language recommended by the House which would require, for practical purposes, the development and establishment of rigid national standards for deferment and their uniform administration throughout the United States.

The Senate conferees maintained that language of this kind, strictly construed, would eliminate, for practical purposes, the ability of local draft boards to exercise any individual judgment in the classification of registrants. The Senate conferees conceded that the establishment of rigid national criteria might have superficial appeal; on inspection and in practice it would, however, preclude reasonable and judicious action by local draft boards which may, in individual cases, be necessary to avoid serious inequities in the classification process. Then Senate conferees pointed out that requiring the National Security Council to identify occupations, graduate studies, and other endeavors which are vital to the national health, safety, or interest, would contribute to greater actual uniformity in the classification process.

The Senate conferees therefore maintained that, in the last analysis, it is utterly impossible to require the establishment of inflexible national standards without causing greater inequities in the classification process than now exist.

In view of the adamant position maintained by the Senate, the House receded from its position and agreed to a Senate amendment in the form of a substitute which reads as follows:

"(h)(1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term 'prime age group' means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

"(2) Except as otherwise provided in this subsection the President is authorized under such rules and regulations as he may prescribe to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose con-

tinued service in an office (other than an office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided,* That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further,* That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government."

Stated briefly, the substitute language agreed upon by the conferees will provide the following:

(a) It will establish uniform criteria for all undergraduate student deferments. The language incorporates the original House recommendation in respect to undergraduate student deferments and would provide them uniformly to all registrants who requested and qualified for such a deferment. These undergraduate deferments would continue only until a registrant had received a baccalaureate degree, failed to continue to pursue a full-time course of instruction satisfactorily, or reached the age of 24, whichever occurred first. At this point, students would be required to be exposed to the hazards of induction in the "prime age group" in the same manner as their contemporaries who had not been provided student deferments.

(b) The language as adopted by the conferees will continue to provide the President with wide latitude in providing future deferments for graduate students in medicine, dentistry, or other subjects deemed essential to the national health, safety, or interest. The intent of the conferees is that the National Security Council will initially make the recommendations on which such graduate student deferments are based.

The House conferees, however, wish to emphasize their strong conviction that pending recommendations from the National Security Council, those students presently accepted for or actively participating in graduate studies, be permitted to continue these studies with a deferred status until they achieve or fail to achieve the degree which would normally mark the completion of their present level of training.

The conference modification also would make possible a limited number of occupational deferments for highly skilled persons after completion of their graduate study. Also, the President's authority to prescribe areas of deferment based upon occupations or professions essential to the national interest would be preserved.

(c) The revised language relating to greater uniformity in the classification criteria provides that the President may, in carrying out the provisions of the law, recommend criteria for the classification of persons subject to induction, and "to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable."

DIFFERENCE NO. 8

The House language amended the existing provision of law relating to conscientious objectors by—

1. Eliminating the requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status, and

2. By eliminating the definition of religious training and belief as meaning "an individual's belief in a relationship to a Supreme Being involving duties superior to those arising from any human relationship but does not include essentially, political, sociological, or philosophical views, or a merely personal moral code."

The Senate language contained no similar provision.

The Senate conferees agreed in principle with the objectives of the House language. The Senate agreed that the referral on appeal of all conscientious objector cases to the Department of Justice had resulted in unnecessary delays in the processing of these cases without corresponding significant advantages. Therefore, the deletion of this referral requirement was accepted by the Senate.

The conferees have been advised by the Attorney General that there are currently approximately 2,700 conscientious objector cases being processed by the Department of Justice. The House-Senate conferees believe that the processing of these cases should be completed despite the change in the law and advisory opinions referred to the individual appeal boards not later than 12 months after enactment of the Military Selective Service Act of 1967.

The Senate conferees also concurred in the desire of the House language to more narrowly construe the basis for classifying registrants as "conscientious objectors." The recommended House language required that the claim for conscientious objection must be based upon "religious training and belief" as had been the original intent of Congress in drafting this provision of the law.

The Senate conferees were of the opinion that congressional intent in this area would be clarified by the inclusion of language indicating that the term "religious training and belief" as used in this section of the law does not include "essentially political, sociological, or philosophical views, or a merely personal moral code."

The House conferees concurred in the Senate recommendation.

The Senate therefore recedes from its position and accepts the House language with an amendment.

DIFFERENCE NO. 9

The House language creates a new position of Deputy Director of Selective Service who would be responsible for public affairs and such other matters as may be assigned to him by the Director.

The Senate language contains no similar provision.

The Senate conferees pointed out that there was adequate provision in existing law for the designation of an employee of the Selective Service System to be responsible for public affair matters and liaison with the Congress. Therefore, the Senate conferees opposed this provision in the House language maintaining that it was totally unnecessary.

In view of the adamant position of the Senate conferees, the House receded from its position and deleted the provision from the bill.

The House language also establishes new age and time limitations on the service of members of local or appeal boards. No similar provision was contained in the Senate language.

The Senate receded from its position and accepted this change recommended by the House.

DIFFERENCE NO. 10

The House language contains a provision intended to make clear that there shall be no judicial review of classification except as a defense to a criminal prosecution after a person has exhausted his administrative remedies and presented himself for induction. This language also provides that any such judicial review shall extend only to whether there is any basis in fact for the classification assigned.

There was no similar provision in the Senate language.

The Senate conferees concurred with the House action and therefore the Senate recedes from its position and accepts the House language.

DIFFERENCE NO. 11

The House language changes the name of the clerk of a local draft board to "executive secretary" and provides that the term of employment shall not be more than 10 years except when reappointed.

No similar provision was contained in the Senate language.

The Senate conferees had no objection to the House provision and therefore the Senate recedes from its position and accepts the House language.

DIFFERENCE NO. 12

The House language contains a requirement that Congress receive a quarterly report from the Director of Selective Service including such specific kinds of information as may be requested by the Congress.

There was no similar provision in the Senate language.

The Senate conferees had no objection to this provision in the House bill but recommended that the language of this section be modified to require a semiannual report in lieu of a quarterly report.

The House conferees concurred in the proposed changes and therefore the Senate recedes from its position with an amendment.

DIFFERENCE NO. 13

The House language—

(a) Gives precedence to selective service cases on the dockets of Federal courts and provides that such cases shall be given an immediate hearing. Appeals of such decisions also are given precedence; and

(b) Also provides that the Department of Justice must prosecute violations of the act upon the request of the Director of Selective Service or furnish a report in writing to the Senate and the House explaining its failure to do so.

The Senate language contains no similar provision.

The Senate conferees agreed to the objectives of the House language and therefore receded from their position and accepted the House language.

DIFFERENCE NO. 14

The Senate language would make permanent existing temporary authority provided the President to order reservists to active duty if they fail to properly discharge their reserve training obligation.

There was no similar provision in the House language.

The House receded from its position and accepts the Senate language.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDWARD HÉBERT,
MELVIN PRICE,
WILLIAM H. BATES,
L. C. ARENDS,
Managers on the Part of the House.

Mr. RIVERS (interrupting the reading). Mr. Speaker, in view of the fact that the conference report has been printed in the CONGRESSIONAL RECORD and as House Report No. 346, I ask unanimous consent to dispense with the further reading of the statement of the managers on the part of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. RIVERS] is recognized for 1 hour.

Mr. RIVERS. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts and, pending that, I yield myself such time as I may consume.

Mr. Speaker, I am happy to report to the Members of the House that the conference with the Members of the other body on S. 1432 has resulted in a resounding endorsement of the House action on the draft bill.

The Members of this body are familiar with the provisions of S. 1432 as recommended by the Committee on Armed Services and passed by the House on May 25.

The House amendment differed with the Senate version in 14 major areas. The conference report in explanation of the resolution of these differences, has been printed in both the CONGRESSIONAL RECORD of June 8 and as House Report No. 346.

The resolution of these differences has resulted, in my opinion, in a stronger and even finer bill than that passed by the House on May 25.

The Members of the other body concurred in this view by virtue of their endorsement, on June 14, of the action taken by the Senate conferees. I am certain that the House, too, will give this conference action its overwhelming endorsement.

Let me briefly review some of the major differences and their resolution as set out in the conference report:

1. NATIONAL SECURITY COUNCIL

The original House language would have required the President to establish a National Manpower Resources Board which would make recommendations on occupational and graduate student deferments.

The Senate conferees supported the objectives of the House language which are implicit in this recommendation. However, the Senate conferees were strongly of the opinion that the functions of this Board were of such importance that they should be vested in the National Security Council itself. Therefore, it was recommended, and agreed to by the conferees, that in lieu of the establishment of a National Manpower Resources Board, the bill provide that the functions to be performed by this Board be required to be performed by the National Security Council itself.

This change certainly does no violence to the original concept endorsed by this House and will serve to further emphasize the unusual importance of these new responsibilities of the National Security Council.

2. RANDOM SELECTION

As the Members of this body recall, neither the Senate nor the House Armed Services Committees was provided any precise description of the so-called FAIR system of random selection proposed by the executive branch. In view of the importance of this matter and the failure of the executive branch to provide the Congress with some precise detail as to how it would function, the House wisely would have required the President to submit such a proposal to the Congress and delay its implementation for 60 days, during which time the Congress could, if it wished, reject the proposal.

The other body agreed in principle with the objectives of the House language but however recommended that rather than retain a so-called congressional veto of possible Presidential action, that the Congress legislate positively in this area. Therefore, the substitute language recommended by the conferees would preclude the adoption of any so-called lottery system without the enactment of new statutory authority by the Congress.

The conferees wish to emphasize that both bodies will act both promptly and expeditiously on any future Executive recommendation in this area.

3. PUBLIC HEALTH SERVICE

The House bill provided that officers of the Public Health Service would be exempt from military service in the future only if performing duties assigned to the Public Health Service including the National Institutes of Health and the Coast Guard. This language was designed to prevent a growing abuse of this authority in the law which had resulted in the assignment of substantial numbers of Public Health Service personnel to staff the Peace Corps, the Food and Drug Administration, and the Office of Economic Opportunity.

The Senate conferees agreed to this general change but recommended certain minor modifications which would have insured the continuation of health services to the Bureau of Prisons and to members of the Coast and Geodetic Survey. This change was approved by the House conferees and again has resulted in an improvement in the original House language.

4. GENERAL DEFERMENT POLICY

The House bill provided a statutory and clear-cut criteria for all undergraduate student deferments.

In addition, it would have continued existing Presidential authority to prescribe criteria for the deferment of graduate students as well as those persons engaged in, or preparing for, occupations or professions necessary to the maintenance of the national health, safety, or interest.

The House bill also included the following language which was objected to by the Senate conferees:

> Notwithstanding any other provision of this title, the President shall, in carrying out the provisions of this title, establish, whenever practicable, national criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, require such criteria to be administered uniformly throughout the United States.

The Senate conferees were of the belief that the cited House language would require the establishment of inflexible national standards in the classification process and thereby preclude local boards from exercising discretion in the application of this criteria.

After the most prolonged discussion and consideration of the Senate objection to this language, the following compromise language was accepted in lieu thereof, and I quote:

> The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable.

In my view, the substitute language accomplishes everything desired by the House in respect to achieving, to the greatest degree possible, greater uniformity in classification criteria and its application throughout the country. As you will notice, the language provides the President with the widest possible lati-

tude in promulgating criteria and recommending its uniform application throughout the United States.

This substitute language retains the spirit and intent of the original House language, and therefore I trust that the President in implementing this language will honor the spirit and intent of its original House sponsors.

The foregoing change together with a clarification of the original House language relating to undergraduate student deferments is contained in the newly modified language in section 6 of the conference report. I wish to emphasize that except for the changes I have noted, most of the language of section 6 is simply a restatement of existing law.

5. CONSCIENTIOUS OBJECTORS

As the Members of the House will recall, the language approved by the House relating to conscientious objectors resulted in:

First, eliminating the requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status; and

Second, deleting from existing law the so-called Supreme Being clause which had been added by Congress in 1948 to narrow the construction and application of the term "religious training and belief."

The Senate conferees concurred in the House action which eliminated the referral to the Department of Justice of all appeal actions on conscientious objector cases. The Senate conferees also concurred in the desire of the House to more narrowly construe the legal criteria for classifying registrants as conscientious objectors based upon "religious training and belief." However, the Senate conferees believe that congressional intent in this area would be clarified by the retention of that portion of the so-called "Supreme Being clause" which emphasized that the term "religious training and belief" "does not include essentially political, sociological, or philosophical views or a merely personal moral code."

The House conferees agreed to this change and consequently amended the language to read accordingly.

6. ORDERING RESERVISTS TO ACTIVE DUTY

The Senate bill contained language which would have made permanent existing temporary authority provided the President to order to active duty those reservists who fail to properly discharge their Reserve training obligation. Language to this effect is presently included in the Department of Defense Appropriation Act for fiscal year 1967—Public Law 89-687—and will continue in effect until June 30, 1968. The House had no similar provision.

Since the language is restricted in application to those reservists who are simply failing to satisfactorily discharge the Reserve obligation which they incurred in lieu of 2 years of active duty, the House conferees agreed that this provision of law should be made permanent. Consequently, the House conferees accepted this Senate recommendation.

SUMMARY

The remaining differences in the House and Senate bills are relatively minor in nature and are explained in detail in the conference report, and therefore require no elaboration at this point.

The language of the conference report is therefore recommended to you for your approval.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Missouri, a member of the Armed Services Committee.

Mr. HALL. Mr. Speaker, I appreciate my chairman yielding. I certainly compliment him and the committee and certainly the managers on the part of the House, for maintaining the position of the House as they well did in this vital legislation. I believe there is much to be said, and much is said, by this action and in the conference report in a corollary manner, as well as what is merely delineated for the future guidance of the Selective Service Director. This House of the Congress must recall that this basic legislation in 1967 is itself amendatory to existing law.

I would like to make a little legislative record insofar as the elimination of the National Manpower Resources Board is concerned. Is it not true that it was not eliminated, that the concept was agreed to, by the conferees on part of the House and the other body; but, they simply said they did not want to establish another commission with another staff, and that it was the function of and that there were adequate resources in the National Security Council to handle this job of furnishing advice to the Director.

Mr. RIVERS. May I say the gentleman has a complete understanding of the view of the conferees on this matter. The other body suggested, and we agreed, we should rely on the National Security Council, because it is in being, and this imposes the responsibility on them, and we are sure it will work.

The gentleman will remember the National Resources Manpower Board would also have worked in conjunction with the National Security Council. We will now leave it to them alone and see how it works. I am sure it will work. The National Security Council is also, under this bill, responsible for recommending to the President the varying areas of occupational deferments, including apprentices.

Mr. HALL. That is the point I want to make. I again compliment the gentleman. Just to clarify the point, on page 9, under No. 4, it should work both ways but, Mr. Speaker, in addition to them furnishing advice periodically to the Director of Selective Service, they could also establish subcommittees to work with maybe a data tabulating machine that had critical apprentices or critical categories of highly trained scientific personnel, or establish liaison committees between themselves and other agencies or organizations by liaison officers or subcommittees in order to further aid and abet and work with and advise the Director. Some of these are already available on computerized tapes. Is that not correct?

Mr. RIVERS. There are no restrictions imposed on it.

Mr. HALL. I thank the chairman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I would like to ask the distinguished chairman whether the conference report will permit draft exemption of undergraduate college students who are attending school on a part-time basis?

Mr. RIVERS. As such, the answer is no. Not on a part-time basis.

Mr. VANIK. My second question is this: Will the conference report permit the draft exemption to an undergraduate college student who is pursuing a course of education which extends beyond the customary 4-year period?

Mr. RIVERS. It may. It would exempt him up to 24. Now if he were in his last academic year—and attained age 24—he would be deferred to complete the academic year in which enrolled.

Mr. VANIK. The answer is, then, it could extend to a student beyond the customary 4 years.

Mr. RIVERS. It could. The President will provide implementing regulations in this area. Clarifying and implementing regulations will undoubtedly be issued by the President.

The law we have written in here provides for up to 24, but if he is in the last year and is 24, this would cover him.

Mr. VANIK. Am I correct in understanding it is the feeling of the committee that they would certainly want to limit it, wherever possible, to the 4-year period?

Mr. RIVERS. That is correct.

Mr. BATES. Mr. Speaker, I yield myself such time as I may consume.

I believe the chairman of the committee has completely and adequately described the provisions of the report, and I shall try not to reiterate what he has said.

We tried to promote, in a field of uncertainty, as much certainty as we could, as we did in the House bill.

This bill essentially is the House bill.

We start at the very beginning, where we changed the name of the bill from the universal military training, which it never was, to one reflecting selective service, which is what it has always been. The new title bears that name.

We are indebted to the gentleman from Pennsylvania [Mr. SCHWEIKER], who tried to bring about a situation whereby some standards of national criteria would be established. As the chairman indicated, the President may under this bill recommend certain criteria which can be used nationally to cover the difficulties presently experienced because of the lack of standards. I trust that the President will indicate what these standards might be.

Many have opposed the utilization of the doctors in the Peace Corps. I believe it was appropriate that there should be objection in this field. If the President sees fit, he can give occupational deferments to individual doctors serving in the Peace Corps, rather than, for all intents and purposes, giving them a military exemption, which is essentially the case today.

We have left the door open for the President, if he comes up with a new random selection system, to recommend to the Congress what the new system

should be. In the meantime, he is to operate under a system which has survived the test of time. If he does decide to make a change, he can do so.

We have attacked the problem of the deferment of students. No longer will there be professional students, as there have been in the past, where individuals have, for practical purposes, continued in a student status until they developed an exemption from military service.

There were many people who were concerned about why we were not spelling out deferments in the bill for apprentices, though we did provide them to those who attended college. There will be ample opportunity under this bill and existing law for the President to take care of that problem.

There were those who were concerned with the so-called draft dodgers, who, through recourse to the courts, would take 2 or 3 years to get a matter resolved. Under this bill precedence will be given on the dockets of the courts to speed up these matters so that prompt judicial attention can be given in this area.

We have established in the National Security Council, as the chairman has indicated, a responsibility to indicate when deferments for graduate students or occupational deferments should be given. All of these are to be in the national interest and solely in the national interest.

Mr. Speaker, in sum and substance, this is the bill before us. I believe the committee did a good job. I believe that, overall, it attacks the significant and vital questions which confronted the people of this country and the Congress of the United States.

Mr. Speaker, the continuation of the draft law for an additional 4 years as provided in the conference report on S. 1432 leaves, for practical purposes, unchanged the existing draft law with the following major exceptions:

1. STUDENT DEFERMENTS

The bill would provide a statutory and uniform basis for all future college student deferments. The bill provides for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, and who request such deferment.

The bill further provides that once a student deferment had been granted to any person it will continue in force until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever first occurs. However, no person who has received a student deferment shall thereafter be granted an additional deferment except for, first, extreme hardship to dependents; or, second, graduate study, occupation, or employment necessary to the national health, safety, or interest. The latter deferments, after attainment of a baccalaureate degree, are to be very narrowly construed and strictly applied under criteria promulgated by the President after receiving an advisory opinion from the National Security Council.

All persons who have received a student deferment are required to be returned to the "prime age group" for exposure to induction after their student deferment has been terminated. Both the bill and the legislative history clearly indicate that this exposure to possible induction will be the same as that which they normally would have experienced if they had not been granted a deferred student status.

2. STUDENT TESTING CRITERIA

The adoption of a uniform policy for undergraduate student deferments has preempted any possible requirement for student testing or relative class standings. Consequently, this questionable procedure which had been previously utilized by Selective Service in respect to the granting of deferments for college students, would no longer be applicable.

3. GRADUATE SCHOOL DEFERMENTS

As previously indicated, the authority of the President to prescribe criteria for the future granting of graduate student deferments would remain unchanged. However, the bill requires the National Security Council to assume the responsibility of recommending the relatively few areas in which such deferments should be granted in the national interest.

4. OCCUPATIONAL AND PROFESSIONAL DEFERMENTS

The bill continues the President's authority to establish criteria for deferments based upon occupations and professions. Critical skills and essential activities which have heretofore been identified by the Departments of Labor and Commerce would now become the responsibility of the National Security Council. The National Security Council would therefore also make recommendations in respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, or preparing for, critical skills and other essential occupations. Thus, the authority for a continuation of deferments for individuals in apprenticeship training and agricultural deferments, and so forth, would be continued.

5. OTHER DEFERMENTS

Criteria for the granting of other type deferments such as those provided for fatherhood and/or hardship to dependents, ministers, and others remains unchanged. However, as previously indicated, registrants who had requested and been granted a deferment to pursue college training will not thereafter be eligible for a deferment based upon fatherhood or hardship to dependents except in the most extreme hardship situations as prescribed by Presidential regulations.

6. ORDER OF CALL

The bill does not change existing law in respect to the President's authority to induct from various age groups. Thus, the President may within his discretion continue to induct from the 19 to 26 age group, or in the alternative go to a younger age group as has been recommended to him by various civilian advisory groups as well as the Armed Services Committee reports of both the House and Senate. The President, therefore, at such time in the future as he deems it in the national interest, may identify the 19 to 26 age group as the "prime age group" for induction.

7. RANDOM SELECTION

The bill specifically prohibits the adoption of any new system of selection from among eligible and available registrants in the age groups designated for induction. Thus, the President cannot institute his so-called FAIR system or lottery system until he receives authorizing legislation from the Congress. Stated simply, this provision in the bill will require continued utilization of the so-called "oldest first" system of selection which has been utilized for more than 25 years. However, this will not prevent adoption of the modified young age system—that is, identifying the 19- to 20-year group as the "prime age group for induction" or any other age group designated by the President. It simply requires that within the age groups designated for induction the oldest will be selected first.

8. CONSCIENTIOUS OBJECTORS

The bill amends the provisions of law relating to conscientious objectors by first, eliminating the procedural requirement for an investigation and advisory opinion from the Department of Justice on conscientious objector cases; and, second, by clarifying congressional intent that a conscientious objector status should be provided only to those registrants who object to combatant or noncombatant service because of "religious training and belief." The language emphasizes that the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code.

9. UNIFORM CRITERIA

The bill includes a provision urging greater uniformity in both the classification criteria and its application, and provides that the President may, in carrying out the provisions of the law, recommend criteria for the classification of persons subject to induction, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable.

SUMMARY

In summary, the changes to the draft law embodied in S. 1432 contemplate no dramatic change in the administration of the Selective Service Act. However, with the adoption of uniform criterion for college student deferments; the requirement that such college student deferees be exposed to possible induction without the opportunity to pyramid their deferment into a permanent exemption with subsequent dependency or occupational deferments; the establishment of the National Security Council as an advisory agency in connection with the development of future criteria for providing graduate student and occupational deferments in the National interest; and the possible initiation of a younger age system—19 to 20—by the President will, when taken together, greatly simplify and lessen the classification problems confronting local draft boards and in turn

also reduce the period of uncertainty now confronting registrants under the Selective Service Act.

I therefore recommend that the Members of the House give this conference report their unanimous endorsement.

Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding.

While I will vote today to support the extension of the military draft law, I do not believe that the Congress has fully met its responsibilities in the law which will be passed today. While I take pride in some important first steps embraced by this bill after Republican initiative, there is much yet to be done.

At Republican initiative, there was an effective provision for uniform national criteria for classification written into the bill passed by the House on May 25. Because of the adamance of Senate conferees the provision was significantly watered down—although for the first time the principle is recognized in the law.

It is not fair when there are two men of identical status in education, in skills, in family and in age—where one is drafted and the other is not because the policies followed by their draft boards are different. This is the most rampant, obvious, blatant, and unjustifiable inequity that exists in the administration of the draft. The law that will pass today represents a beginning in remedying the situation, but only a beginning.

The President's National Advisory Commission on Selective Service recommended last February that "clear and binding policies concerning classifications, exemptions, and deferments be applied uniformly throughout the country."

Uniform national criteria for classification would not impair the appropriate powers of discretion of local draft boards to consider each individual case on its merits. They would, on the other hand, minimize the discrimination which affects every Selective Service registrant today when a young man's chance of being drafted is more a function of where he was born or registered than anything else.

The conference also expunged from the bill passed by the House a simple statement of purpose, another Republican initiative, that the Government would attempt to meet its military manpower needs through adequate voluntary enlistment before it would resort to compulsory conscription. The Senate conferees reported "that this fundamental policy was self-evident." The fact is that neither the present law nor today's bill says or even vaguely implies that it is the purpose of the U.S. Government to maximize voluntary enlistments and to minimize draft calls.

I am not satisfied with the consideration that this Congress has given to the draft law. I believe that the Congress owes far more to all the Nation's young men whom we ask to risk their lives in military combat.

I will immediately file legislation to amend the law that will be passed today to provide for uniform national criteria for selective service classification—and to state explicitly the intent of the Congress that the draft is a residual source of manpower to be used only when absolutely necessary to assure an adequate force for the Nation's security.

I hope that the American people do not have to wait another long 4 years for the Congress to give any attention at all to the problems of the draft, which after all, affects every American family more directly and more seriously than any single policy of the U.S. Government.

The draft should be significantly reformed. It will not be significantly reformed by today's action. I will continue to press for significant reform in the hope that the Congress will soon recognize its responsibility and meet it clearly. The gentleman from Pennsylvania [Mr. SCHWEIKER], who spoke on this matter earlier, shares the sentiments I have expressed.

Mr. BATES. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I find, regretfully, that I must oppose the adoption of this conference report on our selective service laws. I had hoped and urged that this House and the Congress would develop a thoroughgoing reform of the draft this year based upon comprehensive studies. I have worked over the years with Members from both sides of the aisle to get a congressional study of the draft which would be a meaningful study. I have listened to the many statements by every Member of Congress, by students and draft-eligible young men from every part of our Nation, by countless organizations and groups concerned with the draft, and by the President and the members of the executive department—all urging reform of the draft. I have testified before committees of the House and Senate dealing with our military manpower policies and earnestly asked for a real examination of our military manpower policies. Now I find that we are being asked to put the final touches on another in a long series of 4-year extensions of the draft; for another papering over of the inequities and inefficiencies in the Selective Service System; for another draft law which makes no significant changes in the undemocratic, inefficient, costly and, I would argue, unnecessary, form of compulsion in our society today.

Mr. Speaker, I cannot go along with this legislation. I believe that the Congress owes to the entire society and particularly to our Nation's youth, some of whom are now risking their lives in military combat, the duty of undertaking a thorough and searching study of our military manpower procurement policies. We have not carried out this responsibility. We have had secret studies by the Pentagon in 1964 and 1965, designed to "take the heat off" the demands for draft reform; studies which culminated in a brief, 24-page "report on a report" at the Armed Services Committee hearings last summer. We have had a secret executive committee, the so-called National Advisory Commission on Selective Service, which conducted hearings behind closed doors, which has refused to this day to release any of the testimony, working papers, or detailed results of their study, and which gave perfunctory consideration of the basic premise and values which underlie the draft and no consideration at all to the many distinguished and knowledgeable voices which have urged that this Nation move toward an all-volunteer armed force. It is obvious that we in this House are not now in a position to really evaluate the draft; we are being forced by the pressures of the soon-to-be-expiring induction authority into voting for an extension of the draft—just as it is, with all its inequities, with all its uneconomic deficiencies, with all its undemocratic features—for 4 long years.

Do you think that in these 4 years we will undertake a real study of these issues; do you think we will try to meet our responsibilities to our American youth now serving in Vietnam and around the world and those still waiting for the opportunities to serve? We first passed the Universal Military Training and Service Act, the current draft law, in 1951. Since that time, we have extended the draft for 4-year periods on three different occasions, often with the most perfunctory debate. Two weeks ago, we debated this bill on the afternoon after we had stayed on the floor until nearly 2 in the morning debating the education bill. We had no time to consider alternatives to the draft; we had little time to consider the many amendments which various Members wished to add to this legislation. I certainly hope that the distinguished members of the Armed Services Committee will continue their studies of the draft; I hope that this House will give consideration to my resolution to set up a joint House-Senate committee to initiate and carry out a complete study of our military manpower policies and coordinate them with civilian manpower utilization, and the similar resolutions of other Members. But our record over the past 16 years in dealing with the draft has been a sad one. And it is with sadness and a deep feeling of disappointment that I see this House again let the opportunity for needed basic reform go by the boards.

I think we should ask, "What changes in our present draft laws are accomplished in this bill?" We have finally gotten around to changing the name of the draft law to eliminate the reference to universal military training; this is a somewhat ironic footnote to the draft debate over the past few years, but hardly accomplishes anything meaningful. We here allow the President to reverse the order of induction to take those age 19 first, but we have eliminated any national criteria for selection—in other words, we have subjected more of the youngest draft-eligible men to these arbitrary, loosely defined, unevenly applied, and inequitable criteria that have plagued our draft laws for these so many years. We are saying, in effect, to those who have cried out for change, "I am sorry, but the draft is by nature inequitable and we cannot do anything about it."

We have preserved college deferments

and some graduate deferments, but we have done nothing to integrate the manpower needs of our civilian economy with our military manpower needs. We had a provision in the House bill that would establish a National Manpower Resources Board. True, we gave it nothing but advisory power, but at least it was a start toward a rational system of manpower allocation, a system which I, and many, many others have fought for over the past few years. Now, we do away with that beginning. One of my constituents came to see me the other day, an experienced officer and 12-year career man, and told me that he was resigning from the Army because the military was not making use of his skills. He was an economist, an expert in statistical analysis and cost-effectiveness, but the Army had no positions for such a man; instead they hired civilian "experts" with fewer qualifications at $75 a day. We have done nothing for this man and for the many others in the military services whose skills are not utilized. We appropriate $70 billion or more for defense and wonder where it is all going, but we have no time to try to make our manpower procurement and utilization policies more efficient.

We had another amendment in the House bill, added by the gentleman from Illinois [Mr. RUMSFELD], which expressed the policy of the Congress that the draft should be enforced "only when necessary to the security of this Nation"; in other words, that the draft was not an integral part of our society, but only a "necessary evil" which grave international circumstances forced upon us. Members from both sides of the aisle stepped to the microphones in the debate 2 weeks ago and supported this policy. I read from the conference report that the Senate "agreed that this fundamental policy was self-evident"; it was so self-evident that they did not want it in the bill. It might have suggested that the draft was less than permanent, that Congress was less than eager to subject our youth to the inequities of the present system.

What else does this bill provide? It provides for more and faster prosecution of draft dodgers and makes the definition of "conscientious objectors" more strict. But it does nothing for those who want to serve their country and only ask to be treated fairly. It does nothing for those already in the service or in the draft pool who want to look upon military service as an opportunity instead of an obligatory burden.

Mr. Speaker, I have tried over the past 15 years to get at these problems which affect our Nation's youth and every American family more than any other policy of our Government. I will continue trying, whatever happens here today, to get a study of the major problems of our military manpower policies and integrate them with our total manpower policies. I will continue to work for the elimination of the inequities which we are perpetuating today. I know that there are many other Members who are concerned about these inequities and have worked hard to get reform. I know that they will continue their work, and I would like to commend them all and join in their efforts.

I know, too, that there are many in this House who are as disappointed as I am that this bill overlooks some of the most important problems in our selective service laws. I can only vote against what my research tells me is wrong. Political pressure, the exigencies of the war in Vietnam, the deadline of the expiration of the current law, uncertainty about what to do, and lack of information about some of the major problems lie heavily upon us, and perhaps some may feel that there is no way out but to support this measure. I cannot do so.

Mr. BATES. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I do not believe that the Congress has given evidence of the careful study and thoughtful consideration which this important legislation deserves. From the hasty and late-hour debate on the original bill in the House to this conference report which makes major substantive changes in the provisions enacted by the two Houses, I believe that we have been less than diligent in honoring our responsibility to the young men of this country who are affected by our actions today.

After more than a year of searching debate across the Nation and serious studies by several high-ranking panels, the bill recommended in this conference report contains few of the major reforms of the draft law that have been suggested. The lottery, or random selection procedure, is of particular concern to me. While further study of the merits of this proposal is clearly needed, the conference bill would require the passage of legislation by the Congress before such a plan could be instituted.

The previous House version provided that the President could submit his proposal to the Congress which could have indicated its disapproval within 60 days, whereas under the conference language, a lottery could be put into operation only if specific legislation is first initiated by the Congress.

These provisions regarding the lottery which are before us now go even further than the House version in making the prejudgment that random selection is not in the best interests of this country. I do not think that we are prepared to make that determination now; I think that we should allow the President sufficient flexibility to make the necessary judgments on the merits before we indicate the approval or disapproval of the Congress.

Further, I share the concern expressed by a Member of the other body, Senator KENNEDY, of Massachusetts, about the House bill's and the compromise version's treatment of the definition of "conscientious objector." The conference adopted the House position—with some modifications in language—of narrowly construing the basis for classifying registrants as qualified conscientious objectors. By writing into the law that—

"Religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code.

The seeming intent is to eliminate the broader interpretation of conscientious objection as determined by the Supreme Court. The apparent implication of this language is to base conscientious objection solely on beliefs grounded in established religious training. I have serious misgivings that the Congress should establish by statute a narrow and strict standard in a sensitive area in which personal circumstances are undeniably of high importance.

In addition, I am disturbed that no real progress has been made toward instituting uniform national criteria for classification. It is simply inequitable that when there are two men of identical status in education, in skills, in family and in age, one may be drafted and the other may not be because their local draft boards adhere to different classification policies—or perhaps to no policy at all. This is the most serious deficiency in the administration of the draft, and it makes the already uncertain futures of these young men subject even more to caprice and chance—all because one young man comes under the jurisdiction of draft board A and the other's service is determined by draft board B. While we must take care to preserve appropriate powers of discretion to consider each individual case on its merits, it is clearly incumbent upon the Congress to give the question of uniform national standards serious consideration as soon as possible.

While I recognize the urgency at this late date of completing action on this measure, I would hope that necessary modifications could be made as soon as possible—and in any case, well before 1971 when it will be time for the Congress to take another look at the extension of the draft. It is indeed regrettable that the Congress has seen fit to extend the draft for 4 years, rather than reviewing the act and its administration again 2 years from now.

Unfortunately, the chances for significant reform in the areas I have outlined above and others are indeed slim before 1971. Nonetheless, we cannot afford to wait that long and I hope that substantive amendments will be offered and considered at the earliest opportunity in the national interest and for the equity of all young men.

Mr. BATES. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, I asked for this time to raise a question or two of the members of the conference.

This bill authorizes the calling into military service of a considerable number of young men over a period of time. I would like to know if in the opinion of the managers on the part of the House there is any limitation placed on the President in respect to the areas or the assignments to which the military forces may be sent. For example, I see in the papers that Premier Ky of South Vietnam would like to get about 125,000 additional U.S. troops in that area. Would it be necessary in the opinion of the

gentlemen who have been the managers on the part of the House for the President to seek additional authority from the Congress in order to fill a request of that kind?

Mr. RIVERS. The answer is "No."

Mr. FINDLEY. This would also apply to the use of military forces elsewhere in the world. He really has adequate authority without further approval from the Congress to send the military forces which would be created by this bill to any part of the world and for almost any purpose. Is that about correct?

Mr. RIVERS. The statement is correct.

Mr. BATES. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. RUMSFELD. Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time.

The conference report on page 8 indicates that the language which was adopted by the House when we considered the legislation, under difference No. 2, was deleted. The language read:

> The obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation * * *

That language was deleted from the bill in the conference report. The reason given on page 9 for taking out that language indicates that the Senate conferees insisted that inclusion of this language could possibly raise questions of semantics and legal interpretation of the precise circumstances under which "the security of this Nation" required the use by the President of the induction authority of the act. The Senate conferees pointed out that this language therefore added nothing new to the act but could create possible unforeseen legal complications which would unnecessarily restrict the President's ability to insure satisfying changing military manpower requirements.

I am not sure I know what that means. I have read it three or four times. I wonder if the chairman of the committee could explain why that language is taken out. The language that was put in by the House was essentially the language that was in the President's message; namely, that this country should use the Selective Service Act only to the extent necessary.

It is language which I believe expresses the position of the Department of Defense; it is the language which the gentleman from South Carolina [Mr. RIVERS] indicated he agreed with when I offered the amendment on the floor of the House when this legislation was under consideration.

Mr. Speaker, possibly, the gentleman from South Carolina [Mr. RIVERS] can enlighten the Members of the House as to what the report statement which I have read means?

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from South Carolina.

Mr. RIVERS. I can enlighten the gentleman to this extent: No. 1, the other body was adamant. No. 2, they did not think it was so necessary that it was earth shaking. They said that it might create problems unforeseen and, again, they were adamant.

I did not think it was so vital as to take up the time which would be required during which to consider it during the conference, time which we did not have, and that this is the best way I can explain it. It is my opinion that it does not materially affect the bill—it does not materially affect the legislation. I, personally, did not think it would help particularly, or hurt it, but whenever they took the adamant position which I have undertaken to try to explain to the gentleman from Illinois, as the gentleman is undertaking to explain his position to me, I was not able to make it as clear to them as the gentleman is making it to me.

Mr. RUMSFELD. Mr. Speaker, the legislation now pending before us will extend the Selective Service Act for a period of 4 years.

As I have indicated previously, it is my feeling that this legislation should be extended for no more than 2 years, with some 10 million young Americans coming into the draft age bracket within the next 4-year period.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BATES. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. RUMSFELD. Mr. Speaker, it would seem to me that the Congress of the United States could find sufficient time during which to review this legislation more often than every 4 years.

Mr. BATES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, earlier this week I joined some 40 of my colleagues in the House in issuing a joint statement expressing our dissatisfaction with the draft law extension bill.

Today, Mr. Speaker, I would like to expand my remarks on this vital subject and outline my own personal views in this regard.

In view of the present crisis in Vietnam, the countless international commitments which have overextended our Armed Forces, and the many uncertainties the cold war holds for the future, I support the extension of the military draft law.

I do so, however, with deep reservation and the dissatisfaction, which I indicated earlier, is centered on one glaring weakness in the system which this bill ignores. Specifically, I refer to the differing policies of individual draft boards throughout this Nation.

In my judgment, Mr. Speaker, the policies and procedures governing board classifications for selective service must, in all fairness to the young men considered for military service, be standard and uniform. Quite frankly, I have yet to hear in these Chambers or elsewhere, any justifiable reason why they should not be standard and uniform.

Congress should, I feel strongly, have established policies and procedures that insure, within the set criteria of the classification system, fair and equitable administration of the draft.

In so saying, Mr. Speaker, I do not even by inference, cast doubt or accusations on the Selective Service Commission or the thousands of hard-working and dedicated draft boards throughout this land. I know of no wrongdoing on their part and I think they have performed a great service to this country in both peace and war for which America can truly be proud.

But, I cannot conceive of a nation of laws asking its youth to run the risk of sacrificing their lives in military conflict and then leaving their selection for duty to the discretion of boards of citizens with authority to fix their own policies and procedures. In addition, I cannot conceive how uniform criteria for classification and selection would, in any way, impair the discretion of local draft boards to consider each case on its individual merits.

Questions of fairness in drafting men for military duty are common both in and out of the service. Classic examples, no doubt, have been the many medical deferments of the former heavyweight boxing champion of the world before his present predicament and the deferment of numerous other professional athletes and people in show business.

In addition, there has been much controversy over the deferments of college students, men with dependents, hardship cases, and those in other areas of Government service. This problem is further compounded by the fact that the criteria established in Boston or New York, for example, may differ widely with that of Denver or Los Angeles.

I submit that the need for a national Selective Service System could be greatly alleviated were we to place more emphasis on voluntary enlistments and military careers. Although it has been ruled that this is "implied" in the present draft law, I fail to see why it could not have been expressly stated.

We can realize more voluntary enlistments and more men in military careers only if we make the service more attractive with added pay incentives and benefits. By greatly increasing voluntary enlistments and service careers, however, we could relegate the draft to its proper role—a measure to provide a hasty manpower pool to meet national defense emergencies.

Much of the public criticism of the present draft system centers on its inequities. Unfortunately, this bill extending the draft law has not corrected the most blatant inequities in the system—lack of uniform national criteria for draft classification and incentives to volunteer—but we have made a beginning in that direction.

To that end, Mr. Speaker, I will continue to work for corrective legislation which will finally give this great Nation a fair and equitable Selective Service System.

Mr. RIVERS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRASER].

Mr. FRASER. Mr. Speaker, I was interested in the statement of the gentleman from Massachusetts [Mr. BATES] to

the effect that under the agreement of the conference committee the Public Health officers who are assigned to the Peace Corps could be deferred, but that they were not exempt. I was unable to reconcile that statement with the language that I find in the conference report.

I note that the conference report says that the deferment of such people assigned to that responsibility will not be permitted. I do not find anywhere in the language of the conference report an exception to that statement.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Massachusetts.

Mr. BATES. This bill continues the discretionary authority of the President to provide occupational deferments. If the President sees fit in this particular case to grant such deferments, he can do so.

The position of the conferees was that someone serving in the Peace Corps should not thereby be exempt from military service. The only real problem which presented itself to the conferees was with reference to which of those auxiliary arms of the Government should "service" be considered as in lieu of military service.

Mr. FRASER. However, the language of the conference report states, and I am quoting:

> The House language was designed to prohibit deferments for Public Health Service officers assigned to such organizations as the Peace Corps, the Food and Drug Administration, the Department of Agriculture, the Bureau of Prisons, and the Office of Economic Opportunity.

Mr. BATES. This is correct insofar as they are assigned to the Public Health Service and insofar as it is concerned. However, individuals in the Peace Corps or in other organizations, if the President sees fit, he can grant these draft deferments, but they could be reassigned by the Public Health Service.

The gentleman's observations concerning the conference report is correct. What was intended to be said was that service outside the Public Health Service and the other agencies specified in the law, would not constitute service which would qualify as a basis for exemption from military service. Such service may, however, during the period it is being performed, constitute the basis for a temporary deferment from military service.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Speaker, I wonder if the chairman of the Committee on Armed Services would yield additional time to me in order to propound a further question?

I only need half a minute for the purpose of asking a question.

Mr. RIVERS. I will yield the gentleman a minute for that purpose.

Mr. FRASER. Would the chairman be kind enough to answer this question:

Aliens who are in the United States are subject to the draft law under the revisions of the draft law as submitted to the House today; is that correct?

Mr. RIVERS. That is right.

Mr. FRASER. Is there any change with respect to the deferment rights or the exemption rights which an alien might have, is there any difference between the rights that he might possess as against those that might be possessed by a citizen?

For example, an alien who is taking a course of study so as to become a doctor, would there be any change with respect to him?

Mr. RIVERS. Everybody is treated the same in this respect.

Mr. FRASER. Everybody subject to the draft, whether an alien or a citizen of the United States, is entitled to the same rights, privileges, and so forth, as well as deferments and exemptions?

Mr. RIVERS. That is right, because such an alien may someday want to become a citizen, and therefore he cannot plead both, so he has to make up his mind, and he is then to be treated like any other registrant.

Mr. FRASER. Mr. Speaker, I thank the gentleman for that statement.

Mr. Speaker, I shall vote against adoption of this conference report. I reluctantly supported this measure when it first passed the House, but now the measure is even less acceptable.

The bill provides few reforms; it freezes the college deferment which perpetuates inequity; it prohibits the administration from instituting a lottery system; and it extends the draft law for another 4 years.

The drafting of young people to serve in the Armed Forces is too important a matter to be continued on the basis of this bill for another 4 years. I regret that this Congress has not done a better job of providing for fairness and equity in our draft laws.

Mr. REUSS. Mr. Speaker, I spoke in the House on May 25 of my grave misgivings about many aspects of the selective service bill then before us. Despite these misgivings, I voted for its passage.

But the conference report now proposes to change the bill in several major ways. One is the provision concerning a system of selection by lottery. This change is so significant as to strengthen my misgivings and to justify me in opposing the conference report. I shall explain my reasons.

Before this conference, the situation was this. The President had announced his intention of instituting a lottery by January 1, 1969. The Senate had, by passing S. 1432, indicated its support for trying a random selection system. Thus the fate of the lottery lay with the House.

The chairman of the House Armed Services Committee had long since announced his firm opposition to the lottery. But that committee and then the House had adopted, in section (3) (b) of the bill, a reasonable compromise—the administration could initiate a lottery if Congress did not disapprove the plan, under a procedure similar to that provided by the Reorganization Act of 1949, within 60 days after the President had proposed it. The House thus gave the President a good chance to try the lottery.

But the conference committee, far from agreeing to a middle ground between the House and Senate positions on this issue, adopted a stance far more hostile to the lottery than that of the House bill. The version for which we voted in the House would allow the President to initiate a lottery system. But the conference version would give a lottery proposal sent up by the administration, in view of the announced opposition by the chairman of the House Armed Services Committee, little chance for life at the hands of that committee. Knowing this, the administration would probably not even send up a bill.

The net result of dooming the lottery, which in my judgment would be the fairest way of choosing the few who must serve from among the many who are eligible for the draft, will be to continue shielding university students from the risks of military service during this abnormally risky period of the Vietnam war.

The conference report restricts the President's flexibility in granting deferments. At present, he may choose to defer or not to defer undergraduates. But the report would require him from now on to defer all students in 4-year colleges. It makes no provision for students in 2- or 3-year vocational programs and in on-the-job apprentice programs.

The conference report provides that eligible men who lose their deferment upon graduating from college would then join 19-year-olds in the "prime age group" liable for induction, unless of course they were further deferred for graduate study or work in a critical occupation.

But the war in Vietnam will likely take its bloody toll only for another year or so, hopefully sooner. So, the deferment system would allow those draft-age men lucky enough to have money and some talent to buy time and reduce their risk. But other productive citizens, including those who choose or have only enough money to choose vocational or apprentice training, would remain fully exposed.

This would give more support to the charge that the risks of fighting and dying in Vietnam fall unfairly upon the less privileged and the poor.

I feel justified in opposing a conference report which proposes to change so significantly a measure to which we in the House had already agreed. I hope that the House will decide to return this report to conference with instructions to the House conferees to insist upon the language of section (3) (b) as originally passed by the House.

Mr. UDALL. Mr. Speaker, I should like to explain why it is that I am voting today against adoption of the conference report on S. 1432, extension of the Universal Military Training and Service Act.

This is not an easy vote to cast, as I fully realize the necessity of extending our Nation's draft system when we are engaged in a war. But I also believe the Congress has other responsibilities, and among them is the responsibility to enact laws that serve the needs of the people as well as of the Government. In my opinion, this bill, as we see it today, pri-

marily serves the needs of the Government.

Mr. Speaker, I am a product of the selective service system. I was drafted and served in World War II. And, as I told my constituents in an April newsletter, I survived that experience without any lasting brain damage and with few regrets. However, the Vietnam war is not World War II, and 1967 is not 1942. Many things have changed. How many people are living in the same States today as in 1942? These past 25 years have been years of tremendous population growth and constant population mobility. I believe the draft law we pass today should apply to the conditions of today—and not those of a generation ago.

Surely there is no more archaic, outmoded or unjustified system of selecting men for our armed services than the hodgepodge collection of 4,084 local draft boards across this Nation. No matter how intelligent, how fairminded, how free from favor or prejudice the members of those draft boards may be, the possibility of uniform application of our draft laws to all prospective draftees in this country is virtually nil under this system. Yet this bill before us today ties the hands of the President in seeking to develop a more fair and uniform method of selection.

In recent months the mail from my district on draft revision has been substantial. Because of this interest I sent out a newsletter and questionnaire to all constituents in early April, and on May 23, I published in the CONGRESSIONAL RECORD a report on that survey.

Let me review what over 25,000 of my constituents told me in their responses.

Eighty percent said local quotas are wrong, that we need a national pool of eligibles from which selections could be made.

Sixty-seven percent said student deferments should be ended, allowing exceptions only for critical occupations.

Seventy-one percent said they favor establishment of a national lottery to determine the order for calling up draft eligibles.

None of these strongly held views of my constituents are reflected in the bill we have before us today. And I see little reason to believe that my constituents are substantially different from the rest of the American people. I sense a real sentiment in this country to eliminate some of the gross and flagrant inequities in our present system of sending men to war.

For these reasons I cannot support the conference report, although I strongly support extension of the draft so long as enlistments cannot meet the needs of our Armed Forces.

While I cannot support the bill as a whole, I must, in fairness, applaud one improvement it does encompass in our Selective Service System. This is the change in the order of callup, proposed by the President and not opposed in this bill. Drafting men at an earlier age will enable them to complete their military service and get on with their education and careers. I might say my constituents endorsed this change by an overwhelming 85 percent.

But I most certainly cannot understand or accept such other revisions as the termination of deferments for Peace Corps volunteers. Surely there is room in this world for service other than carrying a gun. At issue is not whether Peace Corps service should exempt one from the draft, although a majority of my constituents said they would favor even this. At issue is simply the question of whether an outstanding young person, selected for humanitarian service in another country, has the right to perform that work before being called into military service. I think it is preposterous that we should direct such an unjustified and unnecessary blow at the fine young people who have made the Peace Corps such a success around the world.

I also find highly questionable the change in language dealing with conscientious objectors. I see no peril to this Nation in some reasonable latitude on the religious or philosophical grounds of conscientious objection, yet this change seems to reduce that latitude.

Mr. Speaker, the legislation sent up by the President earlier this year was no pipe dream of a few Government bureaucrats. It was the product of extensive study by a National Advisory Commission appointed by the President and composed of many of our leading citizens. I regret to say that the conference report which will be adopted today lays to rest most of that Commission's recommendations. This is a disappointment to me, and I think it will be a disappointment to the American people.

I assume the conference report will be adopted today, in spite of my negative vote. But if this "No" serves to call attention of the country to our failures on this important question, I will feel my vote has not been wasted.

And that, Mr. Speaker, is why I am voting today against adoption of this conference report.

Mr. TAFT. Mr. Speaker, while I voted to support the extension of the military draft law when it passed the House, I must speak out and join with many others who believe that there is much to be done. The Senate and conference actions weakened the House version further. Congress has not fully met its responsibilities in drafting new selective service legislation.

The draft affects every American family more directly and more seriously than any single policy of the U.S. Government. It should be significantly reformed. But unfortunately it will not be significantly reformed by today's action which does little except to extend and stall for another 4 years. We must continue to press for constructive action in the hope that Congress will come to recognize its responsibility and meet it clearly. Let us hope that the American people do not have to wait another 4 years before Congress gives attention to the problems of selective service. Congress owes at least that much to all of the Nation's young men whom we ask to risk their lives in military combat.

Unform national criteria for classification and for induction must be written into our draft laws. The President's National Advisory Commission on Selective Service recommended last February that "clear and binding policies concerning classifications, exemptions, and deferments be applied uniformly throughout the country."

I expect to join several other Congressmen in filing legislation to amend the selective service laws to provide for uniform national criteria for selective service classification, and to state explicitly the intent of the Congress that the draft is a residual source of manpower to be used only when absolutely necessary to assure an adequate force for the Nation's security. Meanwhile I am voting against the draft conference report as a protest against the present bill's insufficiency.

Mr. COHELAN. Mr. Speaker, as many of our colleagues know, for some time I have urged the Congress to undertake a comprehensive study of the draft in order to make needed and meaningful revisions.

On May 25, I voted for the House bill, not because it satisfied completely my idea of a perfect draft bill, but because it offered some improvements.

The conference committee report on the draft extension, in my judgment, ignores several of the steps forward taken by the House and reduces to hollow-sounding phrases the call of many of our Members for study and meaningful revision of the draft.

I commended the House Armed Services Committee for including language in its bill requiring the President to establish national criteria for the classification of persons subject to induction. This, however, is omitted in the report of the conference committee.

I believe that a random selection of those qualified for the draft is completely in keeping with our efforts to insure fairness and consistency. The House bill gave the President a good chance to try to develop a random method and still retained congressional approval of the system. But the conference report goes further in insisting upon legislative enactment—rather than approval—which in effect, I fear, will mean that this system will not be developed.

The conference report does not allow the President any flexibility in granting deferments. At present, he may choose to defer or not to defer undergraduates, but under this report he cannot make any exceptions. Students in 2- or 3-year colleges or trainees in apprentice programs are discriminated against in the conference bill.

If this bill provided a 2-year extension, instead of four, perhaps I would feel differently. Extension should be limited to 2 years. This would give us ample time to make a complete study of our Nation's manpower requirements and to coordinate them with our universal military service program. It would also allow the next Congress an opportunity to work its will on this program which so deeply affects the lives of so many of our young men.

Mr. Speaker, I cannot support the adoption of this conference report.

Mr. MORSE of Massachusetts. Mr. Speaker, the ranking minority members

and the entire membership of the House Armed Services Committee are to be commended for their efforts to improve the selective service standards. It is a matter of regret that the other body has neither shown the willingness to accept constructive changes nor the cooperation to adopt the fruits of the House labors.

I therefore have concluded that I cannot support the conference report.

The House version of S. 1432, which I did support, made only limited reforms, far short of the changes which Republicans have advocated for some time. But the House bill did include one essential improvement. It provided for the setting of clear, nationwide standards for draft classification and deferment—standards which would guarantee that young men in similar circumstances would receive similar treatment no matter where they live.

Under the present system, national guidelines for classification are so general and vague that they provide practically no guidance at all. Local boards, lacking any uniform direction, have developed different and conflicting policies, so that the status of a teacher, a policeman, a fireman or a law student is determined by chance—the chance of where he happens to report.

National standards would not interfere with the legitimate discretion of local boards in individual cases, but would minimize inequities and inconsistencies, and would remove much of the confusion and uncertainty which so many young Americans must now endure. I deeply regret that even this limited reform has been so severely diluted in the conference report.

Our military manpower policies directly affect more American families in a more personal way than any other Federal programs, including the income tax. Our debts to the young men called to military service have not been paid, or even properly acknowledged, by the hasty and restricted congressional debates this year. I will continue to work with my colleagues for fundamental, necessary changes in selective service policies. But I cannot vote to continue the present confusion and inequities for 4 more years.

Mr. RYAN. Mr. Speaker, the conference version of the selective service extension is an unfortunate hybrid which accepts part of the administration's proposal and then renders it unworkable by rejecting the rest. If the conference report is adopted, the intensive public discussion, the conferences, and the work of the Burke Marshall Commission will all have been for naught.

Reform of the draft has been long overdue. It is unfortunate that it only became a live issue when demands for manpower rose to a point where the inequities could no longer be glossed over.

The core of the administration plan constituted one of many possible approaches to remedy the uncertainties which confront young men faced with the prospect of military service. The plan combined a period of maximum liability for 19-year-olds with a random selection device.

There are a number of inconsistencies and inequities in the present system, which it was proper for the Congress to consider. These were examined in detail in the Marshall report, and they should have been confronted.

Instead of a broad reform, we have before us today the same old system, with new inequities.

S. 1432 requires the Department of Justice to give precedence to draft cases even though the Attorney General stated:

> It is simply not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters.

The legislation would remove the incentive to doctors, which encourages them to devote urgently needed service to the Peace Corps and Public Health Service programs. This change was not prompted by any severe shortage of military doctors, but out of a petty and puritanical demand for military service, regardless of the consequences for other priorities.

It explicitly prohibits judicial review of draft classifications, unless a citizen violates the law and risks severe penalty, if he believes he has been unfairly classified.

In practice, it would permit graduate students in the sciences to pyramid deferments, while discriminating against students in the humanities. I am afraid the language of this bill demonstrates that humanists are as urgently needed by this country as scientists.

The questions of exclusion of Negroes from local draft boards, arbitrary procedures, and inequities in those procedures are not dealt with at all.

Most critically, the core of the President's plan has been rendered more confusing than the existing system. The President is expected to include in the category of primary liability 19-year-olds and recent graduates or 24-year-olds. But in view of the specific proscription of random selection, who is to be chosen, and by what method? If the present procedure, calling the oldest first within each category, is followed, then all of the graduates will be called before the 19-year-olds. Other formulas, such as selection according to month of birth, are equally confusing.

Although the random selection system, which was an integral part of the proposal to call the youngest first, was not ideal, it was at least workable. If this bill is passed, we will be saddled with a less feasible, more unjust draft system than the one we have now—for 4 more years. Congress is neglecting its obligation to millions of young men by failing to reform an archaic system and by failing to confront the inequities.

Mr. MATHIAS of Maryland. Mr. Speaker, the gentleman from Massachusetts [Mr. MORSE] and I have joined in a statement summarizing our position on this conference report. Our conclusions are as follows:

STATEMENT BY CONGRESSMAN CHARLES MCC. MATHIAS, REPUBLICAN, OF MARYLAND, AND CONGRESSMAN F. BRADFORD MORSE, REPUBLICAN, OF MASSACHUSETTS

The Chairman, the Ranking Minority Members and the entire membership of the House Armed Services Committee are to be commended for their efforts to improve the Selective Service System. It is a matter of regret that the other body has neither shown the willingness to accept constructive changes nor the cooperation to adopt the fruits of the House labors.

We therefore have concluded that we cannot support the conference report.

The House version of S. 1432, which we did support, made only limited reforms, far short of the changes which Republicans have advocated for some time. But the House bill did include one essential improvement. It provided for the setting of clear, nationwide standards for draft classification and deferment—standards which would guarantee that young men in similar circumstances would receive similar treatment no matter where they live.

Under the present system, national guidelines for classification are so general and vague that they provide practically no guidance at all. Local boards, lacking any uniform direction, have developed different and conflicting policies, so that the status of a teacher, a policeman, a fireman or a law student is determined by chance—the chance of where he happens to report.

National standards would not interfere with the legitimate discretion of local boards in individual cases, but *would* minimize inequities and inconsistencies, and *would* remove much of the confusion and uncertainty which so many young Americans must now endure. We deeply regret that even this limited reform has been so severely diluted in the conference report.

Our military manpower policies directly affect more American families in a more personal way than any other Federal program, including the income tax. Our debt to the young men called to military service has not been properly acknowledged by the hasty and restricted Congressional debates this year. We will continue to work with our colleagues for fundamental, necessary changes in Selective Service policies.

Mr. KASTENMEIER. Mr. Speaker, the unseemly speed with which the House rushed through its version of the selective service law on May 25 certainly did not add any respect for the legislative process. The conference report now presented to us is doubly objectionable since it is much worse than the bill originally passed by the House and does nothing more than to compound the inequities of the present draft system.

Although the present draft law perpetuates racial and economic discrimination, the conference report does nothing to make the selective service operation more equitable. There are not even any provisions calling for an end to the discrimination against the Negro in the composition of the local draft boards.

Whereas the House originally advocated a requirement for uniform national standards for draft classification and deferment, in place of the vague guidelines that govern the local boards, the conference report rejected language which would require the development and establishment of rigid national standards for deferments and their uniform administration throughout the United States.

Despite the President's request that serious deliberation be given to the question of the college undergraduate deferment, the continuation of the deferment was decided upon with little or no discussion. The retention of deferments for those graduate students and for those occupations that are found to be in the national interest will only result in the

same pyramiding of deferments and inconsistent judgments that currently occur.

The conference report turns the clock backward on the treatment of the conscientious objectors. The special appellate procedures for the determination of claims of conscientious objection which allow for an investigation by the Department of Justice, a provision which has been in the law since 1940, was eliminated. Although the present provisions have demonstrated that they can operate effectively both in time of peace and in time of conflict, the proposed legislation will only result in compounded administrative and legal problems.

There is no virtue in the proposed legislation that would give the Congress a potential veto over the lottery method of selection that the President said he intends to institute by January 1, 1969. The conference report makes no provision to provide for a fair and just method of selection for those that will be called upon to serve.

The impact of the proposed selective service amendments relating to Public Health Service commissioned officers serving in the Peace Corps, the Food and Drug Administration and in other departments and agencies will be very severe. The recommendations of the conference report are neither equitable nor workable. They cut off a major medical manpower resource without offering any alternatives to the affected agencies.

The recommendations of the conference report prompted five members of the President's National Advisory Commission on Selective Service, led by Burke Marshall, to state that it "prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft." Twenty-three Members of the Senate cast their votes against the conference report.

Mr. Speaker, the conference report makes no attempt to reform the deficiencies in the present draft law. It just extends the inequities and a compulsory military conscription system for 4 more years. This is totally unacceptable and I strongly urge the rejection of this report.

Mr. RIVERS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 377, nays 29, not voting 27, as follows:

[Roll No. 144]

YEAS—377

Abbitt	Ashmore	Bingham
Abernethy	Aspinall	Blackburn
Adair	Ayres	Blanton
Addabbo	Baring	Blatnik
Albert	Barrett	Boggs
Anderson, Ill.	Bates	Boland
Anderson, Tenn.	Battin	Bolton
Andrews, Ala.	Belcher	Bow
Andrews, N. Dak.	Bell	Brademas
Annunzio	Bennett	Brasco
Arends	Berry	Bray
Ashbrook	Betts	Brinkley
	Bevill	Brock
	Biester	Brooks
Broomfield	Hamilton	Murphy, N.Y.
Brotzman	Hammer-schmidt	Myers
Brown, Mich.	Hanley	Natcher
Brown, Ohio	Hansen, Idaho	Nedzi
Broyhill, N.C.	Hansen, Wash.	Nelsen
Broyhill, Va.	Harrison	Nichols
Buchanan	Harsha	O'Hara, Ill.
Burke, Fla.	Harvey	O'Konski
Burke, Mass.	Hathaway	O'Neal, Ga.
Burleson	Hawkins	O'Neill, Mass.
Burton, Utah	Hays	Ottinger
Bush	Hébert	Passman
Button	Hechler, W. Va.	Patman
Byrne, Pa.	Heckler, Mass.	Patten
Cabell	Helstoski	Pelly
Cahill	Henderson	Pepper
Carter	Herlong	Perkins
Casey	Holifield	Pettis
Cederberg	Holland	Philbin
Chamberlain	Horton	Pickle
Clancy	Hosmer	Pirnie
Clark	Howard	Poage
Clausen, Don H.	Hull	Poff
Clawson, Del	Hungate	Pollock
Collier	Hunt	Price, Ill.
Colmer	Hutchinson	Price, Tex.
Conable	Ichord	Pryor
Conte	Irwin	Pucinski
Corman	Jacobs	Quie
Cramer	Jarman	Quillen
Culver	Joelson	Railsback
Cunningham	Johnson, Calif.	Randall
Daddario	Johnson, Pa.	Rarick
Daniels	Jonas	Reid, Ill.
Davis, Ga.	Jones, Ala.	Reid, N.Y.
Davis, Wis.	Jones, Mo.	Reifel
Dawson	Jones, N.C.	Reinecke
de la Garza	Karsten	Resnick
Delaney	Karth	Rhodes, Ariz.
Dellenback	Kazen	Rhodes, Pa.
Denney	Kee	Riegle
Dent	Keith	Rivers
Derwinski	Kelly	Roberts
Devine	King, Calif.	Robison
Dickinson	King, N.Y.	Rodino
Diggs	Kirwan	Rogers, Colo.
Dingell	Kleppe	Rogers, Fla.
Dole	Kluczynski	Ronan
Donohue	Kornegay	Rooney, N.Y.
Dorn	Kupferman	Rooney, Pa.
Dow	Kuykendall	Rostenkowski
Dowdy	Kyl	Roth
Dulski	Kyros	Roudebush
Duncan	Landrum	Ruppe
Dwyer	Langen	Sandman
Eckhardt	Latta	Satterfield
Edmondson	Lennon	St Germain
Edwards, Ala.	Lipscomb	Saylor
Edwards, La.	Lloyd	Schadeberg
Eilberg	Long, La.	Scherle
Erlenborn	Long, Md.	Scheuer
Esch	Lukens	Schneebeli
Eshleman	McCarthy	Schweiker
Evans, Colo.	McClory	Schwengel
Everett	McClure	Scott
Evins, Tenn.	McCulloch	Selden
Fallon	McDade	Shipley
Farbstein	McDonald, Mich.	Shriver
Fascell	McEwen	Sikes
Feighan	McFall	Skubitz
Fisher	McMillan	Slack
Flood	Macdonald, Mass.	Smith, Calif.
Flynt	MacGregor	Smith, Iowa
Ford, Gerald R.	Machen	Smith, Okla.
Ford, William D.	Madden	Snyder
Fountain	Mahon	Springer
Frelinghuysen	Mailliard	Stafford
Friedel	Marsh	Staggers
Fulton, Pa.	Martin	Stanton
Fulton, Tenn.	Mathias, Calif.	Steed
Fuqua	Matsunaga	Steiger, Ariz.
Galifianakis	May	Steiger, Wis.
Gallagher	Mayne	Stephens
Gardner	Meeds	Stratton
Garmatz	Meskill	Stubblefield
Gathings	Michel	Stuckey
Gettys	Miller, Calif.	Sullivan
Giaimo	Miller, Ohio	Talcott
Gibbons	Mills	Taylor
Gilbert	Minish	Teague, Calif.
Goodell	Mink	Teague, Tex.
Goodling	Minshall	Tenzer
Gray	Mize	Thompson, Ga.
Green, Pa.	Monagan	Thomson, Wis.
Griffiths	Montgomery	Tiernan
Gross	Moorhead	Tuck
Gubser	Morgan	Tunney
Gude	Morris, N. Mex.	Ullman
Gurney	Morton	Vander Jagt
Hagan	Mosher	Vanik
Haley	Moss	Vigorito
Hall	Multer	Waggonner
Halleck	Murphy, Ill.	Waldie
Halpern		Walker
		Wampler
		Watkins
Watson	Wiggins	Wydler
Watts	Williams, Pa.	Wylie
Whalen	Willis	Wyman
Whalley	Wilson, Bob	Yates
White	Winn	Young
Whitener	Wolff	Zablocki
Whitten	Wright	Zion
Widnall	Wyatt	Zwach

NAYS—29

Adams	Foley	Nix
Ashley	Fraser	Pike
Bolling	Gonzalez	Rees
Burton, Calif.	Green, Oreg.	Rosenthal
Carey	Grover	Rumsfeld
Cohelan	Hicks	Ryan
Conyers	Kastenmeier	Taft
Curtis	Leggett	Udall
Edwards, Calif.	Mathias, Md.	Van Deerlin
Findley	Morse, Mass.	

NOT VOTING—27

Brown, Calif.	Laird	Sisk
Byrnes, Wis.	Moore	Smith, N.Y.
Celler	O'Hara, Mich.	Thompson, N.J.
Cleveland	Olsen	Utt
Corbett	Pool	Williams, Miss.
Cowger	Purcell	Wilson, Charles H.
Downing	Reuss	Younger
Fino	Roush	
Hanna	Roybal	
Hardy	St. Onge	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Charles H. Wilson for, with Mr. Reuss against.

Until further notice:

Mr. St. Onge with Mr. Cleveland.

Mr. Thompson of New Jersey with Mr. Fino.

Mr. Celler with Mr. Laird.

Mr. Downing with Mr. Cowger.

Mr. Hardy with Mr. Byrnes of Wisconsin.

Mr. O'Hara of Michigan with Mr. Moore.

Mr. Roush with Mr. Smith of New York.

Mr. Sisk with Mr. Corbett.

Mr. Williams of Mississippi with Mr. Younger.

Mr. Purcell with Mr. Utt.

Mr. Roybal with Mr. Olsen.

Mr. Hanna with Mr. Pool.

Mrs. GREEN of Oregon and Mr. CAREY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PENALTIES FOR DESECRATION OF THE FLAG

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 510 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 510

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the State of the Union for the consideration of the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. COLMER] is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the very distinguished gentleman from Tennessee [Mr. QUILLEN] and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the so-called desecration of the flag bill which we welcome to the consideration of the floor here, after some delay. It is an open rule providing for 2 hours of general debate after which, of course, it will be open for germane amendments.

Mr. Speaker, in the opinion of this humble Member of the House—and I do not propose to wave the flag here; I want to observe that in my opinion this bill is long overdue.

Now, it is true that the various States of the Union have laws covering this subject matter of the desecration of the flag. They are not uniform nor have they always been observed, unfortunately, or utilized in certain instances. This would become a Federal statute. It would require a jail sentence and a possible fine or possible fine and a jail sentence, or both, for the desecration of the flag.

I am sure that all of the Members of this body are more or less familiar with it. But the bill is so brief that I just want to read the pertinent parts thereof. The appropriate section of the code is amended to provide a new section:

(a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

As I stated a moment ago, the term "flag of the United States" as used in this section—

* * * shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture * * *

And so forth.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I will be happy to yield to my very able friend from Louisiana.

Mr. WILLIS. Mr. Speaker, two questions were raised on this bill in the Committee on the Judiciary. One was whether or not the flag could be desecrated by word of mouth. Obviously that is not so.

The gentleman has just pointed out the appropriate provisions of the bill. The desecration must be by defiling, tearing, or burning. In other words, Mr. Speaker—and I ask the gentleman who occupies the well—it is clear, is it not, that to call the flag, for instance, a "dirty rag" does not constitute an offense. It must be a physical act, done in public. Is that true?

Mr. COLMER. That is my understanding.

I say to the very able lawyer, one of the ablest lawyers in the House, it is my understanding there must be some overt act in connection with the desecration of the flag.

Mr. WILLIS. The second question raised in the committee was whether or not an intent must be shown that whoever publicly desecrated the flag must have intended to bring about the desecration.

Now, it is obvious again from a reading of the bill that there need be no specific proof of intent. But let me call this to the attention of the House, that this is the usual procedure, the usual crux of the offense in connection with any violent offense. For example, we have an offense in every State called "assault and battery." If I punch someone on the nose it need not be proved that I intended to hit him. If I stick a knife into somebody under the crime of aggravated battery, I need not prove that I intended to cut the gentleman because the performance of the physical act itself constitutes sufficient proof of intent. And that is true in this bill.

In other words, the desecration of the flag by tearing it, defiling it, or burning it in public, carries with it the nominal proposition that the man intends the usual results of his voluntary action.

Mr. COLMER. Again I agree with the able lawyer, the gentleman from Louisiana [Mr. WILLIS].

My friends, I am sure that all of you—and I say all of you advisedly—were alarmed when you saw a picture a few months ago of the flag of the United States of America being burned on foreign soil, but then I am sure you must, as I was, have been horrified when you saw a picture which was carried all over this country in the press, and I am sure in foreign lands as well, of the flag of the United States being burned in anger and in disrespect in a public park of a great city of these United States of America.

I said I was not going to attempt to become eloquent and I shall not. I do not have to remind this group of intelligent, patriotic people, who have been sent here to the Congress to represent their people, what this flag means, and what it stands for.

It is the flag that was created and born of the revolution in the creation of the Republic of the United States.

It is the flag that we honor, that we have honored throughout the history of our country.

I recall as a small boy one of the most vivid pictures that I ever saw in a textbook and which I still have in my mind—a picture in an elementary history book in a little public school which I attended—it was the picture of a man and, if I recall because I have not checked on it recently, his name was Sergeant Jasper. It was a picture of him surmounting the bulwark amid a hail of enemy bullets to replace the flag of the United States that had been shot down in one of the many battles during the War of the Revolution. It made a very vivid impression upon me, and gave my young mind a significant appreciation.

Those of you who have worn the uniform of our country—those of you who arrive here in the morning and see the flag of this great Republic flying over this Capitol and over all of the public buildings—and when you attend ballgames, you hear "The Star Spangled Banner" and even in all the excitement leading up to a football game, the people stand in reverence and in silence to hear "The Star Spangled Banner."

This flag means something. It is the symbol of America. This is not the desecration of some ordinary piece of rag or a piece of cloth. This is stabbing at the very heart of the Republic when the flag is defiled.

I would not think there would be many, if any, votes against this bill—I certainly hope not.

But I do want to comment on just one thing about the bill. Although I thought the committee was a bit laggard in reporting it out, I want to compliment the committee for including a provision in the bill which would not preempt the State laws upon this subject.

I refer to this doctrine of preemption that has grown around here—particularly over in that marble palace—that where a State law is in effect, but the Congress has legislated in that field of law, the State law is null and void. This bill specifically provides that the State law shall remain in full force and effect.

I want to commend the Committee on the Judiciary for that and I also want to suggest to the Committee on the Judiciary, if I may have the attention of the distinguished gentleman from Colorado and other members of the committee, that there is also a bill resting in your committee which would do that for all bills that are enacted by the Congress, and in other words do away with this doctrine of preemption. I have a bill pending in the Judiciary Committee to do exactly that.

I hope we may have your consideration in that respect.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi has consumed 15 minutes.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself as much time as I may consume and ask unanimous consent to revise and extend my remarks.

First, I wish to compliment the distinguished chairman of the House Rules Committee, the gentleman from Mississippi [Mr. COLMER] for his devotion to his country, to his duty, and for his remarks here on the floor in regard to this resolution and this bill.

Also, I want to pay tribute to my colleague Mr. COLMER, as chairman of the House Rules Committee for his leader-

ship in bringing this bill to the floor of the House. Without his help the road which led forward to today would have been more difficult. He has done his country and the people of America a great service.

At the same time, I would like to commend the distinguished chairman of the House Judiciary Subcommittee No. 4, the gentleman from Colorado [Mr. ROGERS], who held hearings on this bill. My thanks to all who gave a helping hand to make this day a reality.

As the distinguished gentleman has ably explained, House Resolution 510 provides an open rule with 2 hours of general debate for the consideration of H.R. 10480, a bill to prohibit the desecration of the flag, and I am proud that my name is one of 10 Members on the bill.

For all of us and all those like us whose hearts are filled with patriotism and love and respect for all that our flag symbolizes, it is deplorable to think that anyone could be so bold, thankless, and thoughtless as to scar in any way the traditional symbol of our free land.

Yet we need only pick up a newspaper or see or hear a newscast to be aware that in this country today there are those who would, and do, abuse and insult our flag, and even go to such lengths as to publicly burn it in defiance and disgust. The flag that is being desecrated today is among the oldest of the national standards of the world, the symbol which Oliver Wendell Holmes so movingly described as:

Washed in the blood of the brave and the blooming,
Snatched from the altars of insolent foes,
Burning with star-fires, but never consuming,
Flash its broad ribbons of lily rose.

Vainly the prophets of Baal would rend it,
Vainly his worshippers pray for its fall,
Thousands have died for it, millons defend it,
Emblem of justice and mercy to all.

"Emblem of justice" the poet calls our flag, so it is—and the symbol of liberty, not just for our own people but for millions of men, women, and children around the globe. From the very awakening of our Nation, the sons of liberty sought to display a standard that would be the symbol of the freedom which they so earnestly desired and for which they would give their lives, their fortunes, and their sacred honor.

Back in the days of the Revolution, there were colonial or regimental flags by the score, and symbols abounded from the pine trees to beavers, anchors, and rattlesnakes. The brave and daring colonists used slogans on their flags—"Liberty or Death," "Hope," "Don't Tread on Me," and "An Appeal to Heaven," were just a few.

As the pursuit of liberty moved the colonists farther and farther from the mother country and the fires of revolution scorched the ties that bound America to Great Britain, the flag of the Revolution—the grand Union flag with 13 stripes alternating red and white—waved proudly over more and more of the land.

Finally on June 14, 1777, the Continental Congress resolved:

That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white on a blue field, representing a new constellation.

The stars were arranged in a circle so that no colony would take precedence over another.

George Washington described its symbolism:

We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

Under this flag, the Revolution was brought to its glorious end, and the first President of the United States was inaugurated.

By 1794, the flag had changed again to represent the admission of Vermont and Kentucky, and 15 stars and stripes adorned the liberty flag.

The return to the original 13 red and white stripes was permanently authorized in 1818, and only the number of stars has changed since then to represent each additional State.

Almost 150 years later, we have 50 stars on that field of blue, and our proud banner has flown around the world. Let us turn back the pages of history—to Valley Forge, the bombardment of Fort McHenry, San Juan Hill, along the Marne, on Iwo Jima and Pork Chop Hill. Our flag has always been the symbol of freedom and liberty. Truly thousands have cheered it and millions have been inspired by it—the "emblem of justice and mercy to all."

Last Memorial Day I had the honor and privilege of being the speaker at the Veterans' Administration facility at Mountain Home, Tenn. At my right the American flag was proudly flying and fluttering in the breeze, and over in the distance were the white crosses, row on row, marking the graves of our dead who lie beneath the cold sod.

The words from the poem "In Flanders Fields" came to mind:

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.
Take up our quarrel with the foe;
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Mr. ROUDEBUSH. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. Mr. Speaker, I compliment the distinguished Chairman of the Rules Committee, as well as my dear friend from Tennessee, the gentleman in the well, for the work they have done in bringing this legislation to the floor.

Purely by coincidence, I happened to be in the Judiciary Committee at the same time the gentleman from Tennessee testified in favor of this legislation. His testimony was filled with patriotism, most eloquently presented, and certainly I know, I personally, as well as the American people compliment the gentleman for his devotion to his Nation and for the extent of the patriotism he displays here today.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Indiana [Mr. ROUDEBUSH] also for his devotion and for having introduced the first bill to prevent desecration of the flag. He has done a magnificent job in steering this measure to where it is today.

We must not break faith with our honored dead, those who passed the torch of freedom on to us with the challenge to hold it high.

On Memorial Day 1966, the flag so proudly flying was an inspiring sight knowing full well that these men had served it so gallantly at war and at peace. Thousands and thousands and hundreds of thousands of brave young men have given their lives to protect our flag and to preserve our freedom.

To you from failing hands we throw
The torch; be yours to hold it high.

At Valley Forge, the Continental Army, under the command of Gen. George Washington, set up camp after a long, treacherous march through the snow and freezing cold. Washington, in his own words, described it this way:

To see men without clothes to cover their nakedness, without blankets to lie upon, without shoes—for the want of which their marches might be traced by the blood from their feet—and also as often without provisions as with them, marching through the frost and snow.

By the time the camp was evacuated, 5 months later, 3,000 had died as a result of privation, starvation, and suffering; 2,300 more were sick and ill-equipped and had to be left behind.

If ye break faith with us who die
We shall not sleep . . .

The bombardment of Fort McHenry during the War of 1812 lit up the night. In the morning, as the dawn slowly awakened, an American prisoner on one of the British ships waited and watched for the sight of the flag over the fort. As the stars and stripes became visible through the mist, his emotions burst forth—"O say can you see by the dawn's early light" and was born our national anthem.

During the Civil War, brother against brother, in a bitter fight to keep this country under one flag. Blood ran red on many battlefields—Fort Sumter, Gettysburg, Chickamauga, Antietam, Bull Run, and hundreds of others. In the end, Old Glory again furled over a united country, and thousands and thousands of brave men lay buried beneath the sod.

To you from failing hands we throw
The torch; be yours to hold it high.

It was following the great War Between the States that the tradition of Memorial Day was inaugurated. In the 100 years since that time, the honor rolls of our war dead have multiplied and multiplied.

World War I—

Into misty spray and blazing fire,
We slowly crept with endless tire.
Against our lines, with bayonets raised
The troops of Kaiser gravely gazed.

Barbed wire, hand grenades, trenches, foot soldiers, snipers, flashing bayonets—one of the most horrible wars in the history of our country.

Hungry, fighting to the death, gallantly holding Old Glory, our brave young men never faltered. Theirs was to do and to die. On foreign soil, the crosses row on row are there as they are in Arlington.

If ye break faith with us who die
We shall not sleep, though poppies grow,
In Flanders fields.

World War II—Iwo Jima—30,000 marines hurled themselves at 21,000 Japanese. A murderous, interlocking sheet of shot and shrapnel rained upon the American troops as they assaulted the island. Within an hour, the beach was littered with American bodies, with guns, burning jeeps, and useless landing boats. But still the landing waves came on, and still marines climbed terraces, moving inland, always seeking the high ground.

When the marines reached the top of Mount Suribachi, they raised a piece of pipe upright and from the end of the pipe fluttered the American flag. By then that flag had 16,000 American lives, and another 7,800 wounded.

To you from failing hands we throw
The torch; be yours to hold it high.

In Korea, that mountainous, hostile terrain, Americans fought at Inchon, on Pork Chop Hill, and on Bloody Ridge. Unflinchingly, our men took up their guns. The American soldiers daringly and persistently did their job to do and to die. Let these scenes from the pages of history forever be a reminder of what it cost to be free.

If ye break faith with us who die
We shall not sleep . . .

Before I get into Vietnam, I brought with me today these pictures to show what happens in public demonstrations when there are those who would take the flag, which has cost the lives of hundreds of thousands and hundreds of thousands—yes, even millions—of men to keep it free and burn it in contempt of this country. I say, if our flag is worth dying for, it is worth protecting.

Today the sun never sets on our beloved flag. Thousands of miles from this committee room, many of our young men are dying at this very minute in Vietnam for the principles and beliefs that we hold most dear and most sacred. But here in the cities, torn amidst riots and demonstrations, these same principles and beliefs are ignored, and our flag has become one of the targets at which are hurled insults of all kinds.

In Vietnam our men are dying this very minute for this flag that we love so dearly.

The last thing many of them see before they close their eyes to go into another world is this flag.

Yes, the colors in our flag are the red, the white, and the blue. Let us ask the question today—how bright are the colors—the red, white, and blue—down deep in the hearts of all Americans? When those colors start to fade our freedom starts to fade.

But what can the Federal Government do to stop such insults to our national standard? Do we have a Federal law to protect from such abuse the one symbol that has from the beginning of this Nation been the symbol of our Federal union of "from many one"? We all know we do not have a law, but we should and must have one. In all logic and reasonableness, the Federal Government must be capable of protecting those symbols that embody our Nation's principles.

Charles Sumner stated in his "Are We a Nation?"

There is the national flag.

He did not speak of it as a States' flag—it is not—it is our national flag.

He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country.

Sumner continued:

Our flag should be "cherished by all our hearts," and should be upheld by all our hands."

The patriotism which evoked such sentiments over 100 years ago, is not dead today; in fact, because of the glorious history that has followed in these past 100 years, our patriotism should be even higher and more profound. In many areas it is. But when flag-burnings overshadow and take the headlines from those who would uphold our flag, who would die for it, we must take steps to see that these detractors receive the punishment which their actions merit.

If these young rebels ever stopped to consider the vast spiritual and moral resources of this Nation, the fantastic commitments we have made to insure freedom, and the responsibilities we and our forebearers have assumed to ordain and establish—and continue—this free union for ourselves and our posterity, surely they would be less hasty in their actions of disrespect. If they would only go further to compare our lives to those in communistic and socialistic countries, I am sure that they would be much more appreciative of what they have.

Youth has and will always be impulsive, but their impulsiveness cannot excuse their irresponsible actions of disrespect and disdain. Whether they like it or will admit it, there are certain authorities—in the home, in the state, in the churches, and in the Nation—and the purpose of these authorities is not to do everything to their liking.

That does not mean that no one can disagree with the policies of those in authority, but there are bounds in which these disagreements are to be manifested. I feel that when anyone goes so far as to desecrate our beloved flag for his own personal satisfaction, he has gone too far. The proper authority must step in and take appropriate action, and I believe my bill as set out in H.R. 10480 sets penalties on those who would publicly mutilate, deface, defile, defy, trample upon, or cast contempt, either by word or act, upon any flag, standard, colors, or ensign of the United States. My only concern is that the not more than $1,000 fine and not more than 1 year in prison are not sufficient penalties for such actions. I recommend that the fine be increased to not more than $10,000 and imprisonment to not more than 5 years.

Let all of us bring a new surge of patriotism to our Nation by showing our people that we do care what happens to the symbol of our great Nation. That we do deplore any desecration of our flag, that we will not permit this defilement of our national standard to continue unaccounted for.

Patriotism is not dead in the hearts of our people, nor is it always wildly evident, but there are times when this deep love of our country and all it stands for must be unfurled. In these troubled times, there is no doubt that now it must be manifested. We cannot casually ignore the acts against our flag as temporary, as a passing fantasy of the young. We must act positively, and again express our support and abiding loyalty to our flag.

We punish people for mishandling our postage and money, but not for what they do to our national flag—that flag that President Woodrow Wilson described as "the embodiment, not of sentiment, but of history. It represents," he said, "the experiences made by men and women, the experiences of those who die and live under that flag."

Or as Henry Ward Beecher wrote:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets it forth.

We have specific Federal laws which govern the display of our flag, and these laws are written in great detail. On June 22, 1942, the President of the United States approved a joint resolution of the Senate and House of Representatives codifying existing customs and rules governing the display and use of the flag of the United States of America by civilians.

It seems strange to me that we have never as yet adopted a law to specify what should be done when these statutes are not kept or when the flag receives even worse treatment.

In earlier times, it was thought better to kill anyone who would harm the American flag rather than let it be mistreated in any way. In an official dispatch to the Treasury officer in New Orleans in 1861, John Adams Dix said:

If anyone attempts to haul down the American flag, shoot him on the spot.

I do not think we need to go that far, but we must not let anyone who would harm our flag go scot free.

We must consider the morale of our people here at home, our fighting forces in Vietnam, as well as world reaction. I think we can safely say that no national flag is as easily recognized around the world as the American flag. It is difficult to demand apologies from other countries in which our flag is burned and torn to shreds, when we do nothing here at home when the same thing happens. All those who do respect our land and our flag must wonder why we ourselves do not care more.

I do not think it is at all accurate to say that we are unconcerned, but I do feel that we have not been concerned enough. If we had been, we would have passed this legislation long ago, and thus

prevented the humiliating experiences witnessed in our cities in the past months.

Let us not tarry any longer. Let us rally 'round the flag, let us rededicate ourselves to the principles of freedom. Let us not forget the sacrifices made by the hundreds of thousands who have died so that this flag we all love so dearly can forever wave over the land.

If our flag is worth dying for, it is worth protecting.

Today I am reminded of a young soldier in Vietnam who, foreseeing his death in battle, left us an undying memorial to the cause of freedom and the love of our flag.

I shall read in closing, a letter from the young soldier in Vietnam, which was read by his father and mother after he had been dead for 30 days and had been buried.

It was on a bloody battlefield that this young man had volunteered to take his buddy's place in a patrol. Walking across the rice paddies toward a mountain range, he cried out, "How quiet and deserted it is—not even the birds are singing."

Then suddenly the fire from automatic rifles seemed to come out of every bush. This young man tried to save the life of his buddy by grabbing hold of him and pulling him to the bushes to safety. He never saw the rifle the enemy pointed at him from a few paces away. As he straightened up, he was shot in the back of the head and fell over dead.

One month after his death, one of his buddies found a letter under the dead soldier's bunk, a letter which was written while he was yet alive and that had fallen from his personal belongings. His commanding officer mailed it to his home, and I read it to you in his own words, as his father and mother read it for the first time—some 30 days after he was buried.

DEAR FOLKS: I'm writing this letter as my last one. You've probably already received word that I'm dead and that the government wishes to express its deepest regret.

Believe me, I didn't want to die, but I know it was part of my job. I want my Country to live for billions and billions of years to come.

I want it to stand as a light to all people oppressed and guide them to the same freedom we know. If we can stand and fight for freedom, then I think we have done the job God set down for us. It's up to every American to fight for the freedom we hold so dear. If we don't, the smells of free air could become dark and damp as in a prison cell.

We won't be able to look at ourselves in a mirror, much less at our sons and daughters, because we know we have failed our God, our Country, and our future generations.

I can hold my head high because I fought, whether it be in heaven or hell. Besides, the saying goes, "One more GI from Vietnam, St. Peter, I've served my time in hell."

I fought for Sandy, Nell, Gale, Mom and Dad. But when the twins and Sandy's kids get old enough, they'll probably have to fight too. Tell them to go proudly and without fear of death because it is worth keeping the land free.

I remember a story from Mr. Williams' English classes, when I was a freshman, that said, "The cowards die a thousand times, the brave die but once."

Don't mourn me, mother, for I'm happy I died fighting my Country's enemies, and I will live forever in people's minds. I've done what I've always dreamed of. Don't mourn me, for I died a soldier of the United States of America.

God bless you all and take care. I'll be seeing you in heaven.

Your loving son and brother,

BUTCH.

These are the things we live for. These are the things we fight for. These are the things we die for.

If our flag is worth dying for, it is worth protecting.

Mr. Speaker, I urge the adoption of this resolution and the passage of the bill. It is time for this House to act.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from New York.

Mr. ROSENTHAL. There are two questions which disturb me.

One relates to the necessity for this bill. As I understand it—and I believe I am correct—all of the 50 States and the District of Columbia have criminal statutes which would cover the very thing we are proposing to legislate on. As a matter of fact, in my own State of New York the statute is stronger than the one we have under consideration.

If this is correct—and I am sure the gentleman knows—is there a necessity for this piece of legislation?

Mr. QUILLEN. I will say to the gentleman from New York that all 50 States do have legislation as well as the District of Columbia. The State of New York does have a law to prohibit the desecration of the flag.

Yet I bring into this Chamber a blown-up picture of a flag-burning episode in Central Park in New York City, in your State. Despite the law that is on the books in New York, these flag burners go Scot free with not an ounce of effort put forth to prosecute. I would say to the gentleman from New York that this is a Federal flag, it is a national flag, it is a flag representing our freedom, and it is not a State flag. I am happy, though, that this bill does not preempt the right of a State to prosecute if that State should choose to do so.

Mr. Speaker, I am here with a sad heart that the State of New York would allow these goons and gooks and hoods publicly to desecrate our flag. This goes on, not only in New York State but in many of the other States of the Union as well.

Mr. ROSENTHAL. Let me ask the gentleman one other question on a problem that distresses me. One of the things I am sure this legislation is aimed at is to make sure that all people have respect for the flag and the institutions which it represents. What I wonder is can you legislate respect for an institution or for a symbol of that institution?

Mr. QUILLEN. I would say to the gentleman from New York that respect cannot be legislated. I think it is a shame and a disgrace that in this country we have people who would desecrate the flag, would step on it, burn it, trample it, and spit on it in contempt without any respect for what it stands for. Training starts at home. I was taught to respect the flag as a kid, and I have never lost that respect. If it is old fashioned to respect the flag of the United States, then I say we need more old-fashionedism.

Mr. ROSENTHAL. Let us assume that we cannot teach the people engaged in these acts respect for the flag. If we pass this law, assuming criminal penalties for the things we are complaining of, then do you not think the expression of these people might be turned to some other acts that we might find just as reprehensible and then we would have to come back and stop that form of expression?

Mr. QUILLEN. I say to the gentleman from New York, not yielding any further, because we have plenty of Members on my side of the aisle who want time, that I think these flag burners should be taken and imprisoned, fined, or both. I think the 1-year penalty is not stiff enough. I think the $1,000 fine is not stiff enough. The prison sentence should be at least 5 years and the fine at least $10,000.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I would like to compliment the gentleman for the very able way that he responded to the questions of the gentleman from New York. I would like to say the American public was absolutely appalled to find in the situation of these flag burners that there is no Federal statute that protected the American flag and prohibited the desecration of the American flag. So Congress is merely responding to a public need to provide a congressional act to take care of the national flag.

May I say further this legislation does not compel any particular type of conduct. What it does is to prohibit offensive conduct, offensive to the people of the United States. That is the direction of the legislation. It should not be suggested that there is any positive act required to be done by this legislation, but it is a positive prohibition against offensive acts with regard to the symbol of the Nation.

Mr. QUILLEN. I agree with the gentleman from Illinois, and, before yielding further, I would like to say that we have a Federal law on the books to make it a Federal offense to assassinate a President of the United States. And that was not on the books until a few years ago.

We have a Federal law on the books making it a Federal offense to incorrectly display the flag. We have a Federal law against the misuse or mishandling of the postage stamp.

We have a Federal law to the effect we cannot manufacture or mutilate our own money—currency or coin.

Mr. Speaker, in my opinion, it is high time that this Congress realized its responsibility and showed to the entire world what this flag means to us, in memory of those who have given their lives for freedom. It is more than a piece of cloth—it is the symbol of our freedom, of our country, and of our greatness as a nation.

Mr. SCHADEBERG. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the distinguished gentleman from Wisconsin.

Mr. SCHADEBERG. Mr. Speaker, I appreciate the remarks which have been made by the distinguished gentleman from Tennessee and thank him for yielding to me, and just as there are posed many questions as to whether we should do or not do certain things, I wish to add that certainly the question here being discussed is not whether this is the proper thing to do or whether it is not, but can we legislate what is in a man's heart.

Certainly, no one in this House feels that we can legislate what goes on within the mind or heart of a man. However, it is my firm belief that everyone feels that we cannot do away with our laws against murder and stealing and other crimes of violence because we cannot legislate morality. This legislation falls into the same category.

Mr. Speaker, we are not going to legislate contempt for our flag out of the hearts of certain men but, certainly, we can at least put on the record a suggestion that as a nation we feel that this is the proper and decent thing to do.

Mr. QUILLEN. I agree completely with the gentleman from Wisconsin.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, the gentleman has mentioned the fact that it is a Federal offense to counterfeit money but is it not also a Federal offense to mutilate such money?

Mr. QUILLEN. To mutilate or mishandle it; yes.

Mr. EDMONDSON. To mutilate our coin or currency is a Federal offense today, and it is proposed here to give to the flag of the United States of America the same type of protection that we have given to the currency and coins of the United States of America.

Mr. QUILLEN. The gentleman from Oklahoma is absolutely correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, in answer to the gentleman from New York who says, "What are we going to do with these people who will not respect the flag of our country, and whom we do not seem able to convince with reference to respect of the flag?" I will tell you what I believe would be a good solution to it: Load a boat full of them and take them about 500 miles out in the ocean and handcuff them, with hands behind their backs, chain the anchor around their neck and throw them overboard and tell them to swim to any country that they want to whose flag they can respect.

Mr. QUILLEN. I thank the gentleman from Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. O'NEAL].

Mr. O'NEAL of Georgia. Mr. Speaker, as one who introduced a bill to punish public and deliberate desecration of the American flag over 14 months ago, I am glad that this day has finally arrived. I have looked forward to it a long time, as have many of you, and I am convinced that the vast majority of American people have lost considerable patience with this Congress.

My chief regret is that the committee handling this bill did two things. First, it saw fit to propose to us repeal of a statute of 50 years' duration that would punish one who casts contempt upon the flag "by word." This provision exists in the present law and has existed for half a century, but it applies only to the District of Columbia. This law was enacted on February 8, 1917, and reenacted in 1947. If it is unconstitutional, and I do not think it is, no one has challenged it during this time, and the saddest commentary of all is that this generation finds it necessary to extend the law or argue its merit. If this bill passes, the law as it applies to the District of Columbia will be weakened—not strengthened. In addition, this Congress will be failing in an opportunity to extend it to all Federal institutions.

The Reverend Edward Everett Hale, who wrote "The Man Without a Country," and the millions who have been impressed by the story of Phillip Nolan would be mystified by the dilatory action of this House and the strange reasoning of those who cite the first amendment as justification for tolerating public curses hurled at the rallying symbol of the Nation's very existence. Countless brave soldiers, many of them immortalized in scripture, art, song, and story, have risked their lives at Iwo Jima, Fort Moultrie, and other sacred battlefields that this flag might be elevated and respected.

Many others, just as brave, died unsung in the same selfless effort—and yet, we procrastinate and quibble over words left out that would permit not an enemy in battle, but an American on the home front to hurl obscenities and curses in a public place against this same precious banner.

This day is a good one because we are doing something, but it is a shameful one because of what we are not doing at the same time.

No one but an anarchist would claim that the right of free speech is a completely unbridled right. If it were completely unbridled, all laws against slanderers would be unconstitutional, as well as those who shout totally vulgar words in the presence of ladies, whisper remarks calculated to start a run on a bank, or falsely yell "fire" in a crowded theater. This is so, simply because the rights of those affected supersede the right of free speech to the offending individual. By the same token, no constitutional right belonging to an individual is as great as the right of the Nation itself to continue to exist.

He who publicly and intentionally desecrates the precious symbol of our country is committing an actual assault upon the country. Regardless of the accident of his birth, he is an enemy and should be treated like an enemy, whether he be a foreign enemy or domestic enemy. The country's constitutional rights supersede his rights under the first or any other amendment.

My second cause for regret is that the committee did not propose that we make the punishment fit the crime. This bill makes it a misdemeanor only. We do not even make the maximum penalty as severe as we did in the 89th Congress to burn or mutilate a draft card. Conceivably, a young man might destroy his draft card in a fit of pique against the individuals who make up his own draft board. In my judgment, the punishment for doing an act which serves as a rallying act for the enemies of America should be no less. It should be a felony, and it might be well, if it were practical to enforce it, to add the sentence Edward Everett Hale says in his book was administered by Colonel Morgan, the president of the military court, to Lt. Phillip Nolan that made him "The Man Without a Country," for impulsively saying "Damn the United States. I wish I may never hear of the United States again." He received exactly that sentence.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman.

Mr. KORNEGAY. The gentleman has made some reference to the law which we passed in the last Congress with relation to the burning of draft cards, that is, to the malicious burning of them.

Were not the penalties in that particular situation $10,000 and 5 years?

Mr. O'NEAL of Georgia. As I recall, that is correct.

Mr. KORNEGAY. In the gentleman's opinion should not the penalties in the bill under consideration, or that we will have under consideration shortly, that is, the burning and mutilating maliciously of the American flag, be treated equally?

Mr. O'NEAL of Georgia. I believe it should be treated equally as gravely, and certainly I believe it should be no less.

Mr. KORNEGAY. Mr. Speaker, I am happy to have the gentleman's reply.

Mr. O'NEAL of Georgia. It is argued by some, Mr. Speaker, that a stiff punishment would discourage convictions. As one who served 23 years as a public prosecutor, I disagree unless you make the minimum too high. It doesn't matter about the maximum. The cases will vary and the judges will take care of that, but as long as the minimum starts all the way down at nothing the juries will not be concerned and the prosecuting attorneys will not be hesitant.

This brings us to the reluctance of the Attorney General in similar matters. It is disheartening that he criticized this bill and "damned it with faint praise." It is alarming to millions of Americans that he has not acted already in obvious cases of sedition. He says he is relying on the Supreme Court decision in the Schenk case, which said in effect that freedom of speech in these matters should be restricted only when necessary to avert extreme and immediate danger, and that it was a matter of proximity and degree. This resolves itself then into a question of whether you prosecute relatively minor instances or whether you wait until the country is at the point of revolution. The danger of this is as

shown by the footdragging of the Justice Department in our time. These things have a cumulative and erosive effect upon the safety and internal strength of our country. Justice Holmes, in the Schenk case, did not say wait until too late. If General Ramsey Clark would just try one case, he might even get an affirmed conviction out of this Court.

Mr. Speaker, we are taking a step in the right direction, inadequate though it is. The next step will be for the Executive, through its Attorney General, to make an effort to protect this country by prompt and vigorous action against our domestic enemies instead of the "Chamberlain at Munich" sort of appeasement attitude toward Communist revolutionaries we have seen too long.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman.

Mr. ROSENTHAL. Does the gentleman think that the actions of these, I think, rather stupid kids, engaged in what they did in Central Park, is some kind of clear and present danger to this Nation comparable to a person crying fire in a theater?

Mr. O'NEAL of Georgia. I just said I think it has a cumulative and erosive effect that is bad enough in itself, but I do not think we should wait and I think it is high time the Attorney General acted in sedition cases.

Mr. ROSENTHAL. How does the gentleman expect that the prosecution will proceed? Does the gentleman think the FBI agents would be present on such occasions and proceed to move in quickly if someone acted like this?

Mr. O'NEAL of Georgia. Well, of course, I do. I think the FBI agents should keep a close watch on these people. They can anticipate where they will be, and I am sure they have been at many of these rallies and yet we have seen total inaction on the part of the Attorney General with reference to sedition cases which are so closely related to what we are talking about here.

Mr. ROSENTHAL. Does the gentleman think that the result of the passage of this law would teach these people respect for the flag and for this Nation and respect for the Nation's institutions?

Mr. O'NEAL of Georgia. I think that the law commands its own respect. I think we all respect the law because of the penalties that are involved, if the law is violated.

If there were no penalties for violation of any of the laws, all of us would have less respect for the laws.

Mr. ROSENTHAL. Does the gentleman think that they might find some other expressions that are equally offensive?

Mr. O'NEAL of Georgia. Yes; and I am very concerned about that now because the bill leaves out any reference to desecration by word.

I think these people can serve this same purpose by getting up in the presence of thousands of people and hurling obscenities and vulgarities and curses at the American flag, which would have the same effect that tearing the flag up would have.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. KUYKENDALL].

Mr. KUYKENDALL. Mr. Speaker, first I would like to say, in reference to a statement made by a gentleman on the other side of the aisle, that I am not nearly as concerned about the respect that some of these people may or may not ever have for the law as I am concerned about the respect that my own sons will lose for me if we do not do something today.

Mr. Speaker, I rise in support of the rule and H.R. 10840 the bill to make desecration of the flag a Federal offense, punishable by fine and imprisonment. I would like to take this opportunity to thank the members of the Judiciary Committee and especially the members of Subcommittee No. 4 for holding hearings on this legislation and for sending to the House a bill which I believe is of major importance to maintaining our Nation's strength and determination.

I would also like to make particular note of the contributions of my good friend and colleague from Tennessee [Mr. QUILLEN] for his efforts in behalf of this legislation, and for his fine contributions to the committee hearings and to the bill itself.

Mr. Speaker, it is tragic, indeed, that Federal legislation is needed to protect the flag of our country. Those Americans who have engaged in trampling the flag, burning it, spitting upon it, fail to realize the significance of their actions.

Throughout the history of nations the flag has been the symbol of the principles upon which the particular nation has been founded. The very act of despoiling the flag threatens the foundations upon which the nation is built.

Those who demand the freedom to dissent, and I protect their right to dissent, risk the destruction of the institutions which protect this right when they tear down respect for the flag and the freedom for which it stands.

The strength of our country cannot be maintained without allegiance to the principles for which we stand, and the flag is the banner around which we rally in support of these principles. It has always been so.

On every battlefield, throughout history, the flag has been the prime target, because to destroy the flag is to weaken the morale of the fighting forces. Who among us has not been thrilled at pictures of American fighting men valiantly risking their lives in battle to save the flag from falling? Which is the greater contribution to the security of freedom: The inspiring photo of the marines raising the flag on a bloody hill at Iwo Jima, or the shameful pictures of unshaven beatniks burning that same flag in Central Park in New York?

We dare not ignore our past history nor the contributions to freedom made by those who created this Nation and designed the flag which represents it. We dare not forget those who have given "their last full measure of devotion" to perpetuate the ideal of liberty for which we stand.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from New York.

Mr. MURPHY of New York. The gentleman from Tennessee, as well as the gentleman from Tennessee [Mr. QUILLEN], mentioned the flag burnings in Central Park. I would like the Members to know that these flag burnings in Central Park were not necessarily flag burnings by New Yorkers. These demonstrations are provided by people from virtually every section of the country who are bused into New York, and they use New York as a focal point because it is the communications center of the world.

I think the RECORD at this time should certainly reflect the fact that these activities are not necessarily carried out, as I said, by New Yorkers, by people who come from New York.

There is one interesting point that the New York City police particularly bring out, and that is when the flag is being burnt, it is being burnt as an inflammatory act. The purpose of the burning is to cause a major incident, if possible. The New York City police will wait until the period of activity is finished. I believe the Miller draft-card-burning case is very important when we realize that the FBI picked up the people involved at 5 o'clock the following morning, and thereby they did not provoke a major incident which would have worked into the tactical plans of those who staged the demonstrations.

The very purpose of which is to highlight their subversive activities which are to subvert the worldwide efforts of the United States in defending freedom.

Mr. KUYKENDALL. I congratulate the gentleman for standing up and pointing out that these people did not represent the city of New York or the State of New York. I have been waiting for someone to get up and say that this is not what New York stands for. I am proud that you did so.

Can we now allow this symbol of liberty to be destroyed without destroying liberty itself? I think not. Desecration of the flag in time of war cannot help but give comfort to the enemy. When pictures are flashed around the world of Americans burning and desecrating the flag of their country, the hand of those who would destroy America and the American way of life, is most certainly strengthened.

I firmly believe that desecration of the flag comes very close to treason and I am equally convinced that America, strong as we are, cannot withstand the onslaught of treason at a time when one-third of the world is controlled by a conspiracy which has as its stated purpose the defeat of the United States, and the destruction of free government everywhere.

Mr. Speaker, by passing this bill today, we will serve notice on the enemies of freedom that Americans are united and that the small band of malcontents whose actions monopolize the pages of the press and the TV screens do not represent the overwhelming majority of our people. By passing this bill we will be telling the half million Americans fighting in Vietnam that their country is be-

hind them and that their suffering and sacrifice is not going to be in vain.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BARING].

Mr. BARING. Mr. Speaker, I, too, am very much for this legislation. I introduced a similar bill, and now I rise to wholeheartedly support the bill that is before us today. It is imperative that this bill be passed and as quickly as possible become law.

The American people who love and respect our flag have voiced their disgust and anger over the American flag burnings that have taken place both here and abroad. They want legislation which will punish these treasonable acts, and the bill before us now, which is similar to the one I introduced this year, will do just that.

Mr. Speaker, the stirring and impressive Flag Day ceremony here in the Chamber was the finest it has been my privilege to witness.

I am not ashamed to say, Mr. Speaker, that tears came to my eyes when the gentleman from Texas, Congressman BROOKS, introduced those fine young American boys, veterans of the Vietnam war, to the House.

As I stood to pay my respects to these fine young men in uniform who have given so much in their devotion to our country, I was deeply choked with emotion. But this emotion turned to anger as a mental picture of those dirty, long-haired, Communist-led beatniks burning the American flag in that New York park flashed before my eyes. These flag burners were not burning a piece of cloth, they were showing their hatred for America and for everything this great Nation stands for.

These acts committed by these unspeakable persons are acts of treason, and it is high time that we show some muscle and crack down on those who desecrate our flag. Oh, I know, there are a few who will say we are depriving these no-goodniks of their constitutional rights of free speech, and so forth.

I am for free speech and the right to criticize, but there is a limit to abusive free speech, and there is no reason why we should stand still for those who burn the American flag and hoist that of the Vietcong.

If we should allow this action to continue, then we are paying a horrendous disrespect for those who gave their lives in devotion to their love of this country and its flag for which it stands in past and present wars. And we must then classify ourselves as hypocrites when we stood in this Chamber to pay our respect to the American flag on Flag Day and to those gallant young men of the Vietnam war.

I strongly support the bill now before us and urge its unanimous passage.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. FULTON] such time as he may consume.

Mr. FULTON of Tennessee. Mr. Speaker, in the 89th Congress it was my pleasure to introduce similar legislation to that which is before us today, and again in this the 90th Congress. I rise in support of this measure.

Last week the Members of the House of Representatives officially observed Flag Day in ceremonies conducted in the halls of this legislative body.

June 14, Flag Day, gave us an opportunity to properly honor this symbol of our Nation.

The vast majority of Americans feel a sense of pride and reverence when the banner of our Nation is unfurled. It is symbolic of all we love and value in our great Nation, and for those who have lost sons and fathers and husbands and brothers in the defense of that flag and the Nation it represents, there is a special meaning in knowing that the flag and the Nation they died for still stands with honor.

We recoil with disgust when we see our flag defiled. Such a repugnant act repels our deepest sense of loyalty.

There is little we can do when such an act of desecration is committed upon our flag by nationals in a foreign land.

But when such an act is committed within our own borders, by individuals who are the first to claim protection for their treacherous acts under our much abused guaranteed individual freedoms, we can take action.

We have an opportunity to take this action today by giving overwhelming approval to H.R. 10480, a bill to prohibit the desecration of the flag, and making such desecration a Federal offense.

The provisions of this bill are simply stated:

> Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

This bill has my total endorsement and the unqualified support. It is badly needed and its enactment is long overdue.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. TAYLOR] as much time as he may consume.

Mr. TAYLOR. Mr. Speaker, I, too, introduced a similar bill. I strongly support this legislation.

Mr. Speaker, nothing is more symbolic of our freedom and heritage than the American flag.

Every year millions of people visit the Iwo Jima Memorial in Arlington to be reminded of the Marine contingent which raised Old Glory to signal a victory for their country and to announce to the world that those lying dead at their feet had lived and fought for something worthwhile.

Every schoolchild must feel something of his heritage when he places his hand on his heart and repeats the words:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The flag is a symbol of our national purpose. It is a symbol of our determination to remain free. We must let the world know that the overwhelming majority of Americans, differ as they do on problems and issues, revere our flag and revere all that it represents.

What has happened to us, Mr. Speaker, that some of our youth would seize our flag and deliberately burn it to dramatize their feelings and vent their emotions?

Like Americans everywhere, I was outraged when demonstrators in New York's famous Central Park recently burned the American flag.

Shortly afterward, I wrote to our new Attorney General, Mr. Ramsey Clark, and urged that the incident be promptly investigated and those responsible be arrested and convicted.

Mr. Clark's reply, while hopeful, indicated that the Government lacks sufficient legal authority to effectively crack down on flag burners. He explained that some of the rules governing the use and display of our flag are voluntary in that they do not prescribe penalties for violations.

While the District of Columbia and some States have enacted statutes to cover the situation, most others apparently have not.

I introduced legislation to impose stiff penalties on those who desecrate the American flag. My bill, similar to the one before us today, calls for a prison term of up to 1 year and a fine of up to $1,000, or both, for persons who burn or otherwise desecrate the flag.

Frankly, it seems to me a disappointing state of national affairs that legislation of this type is needed. That we must enact laws to compel respect for the American flag seems entirely contrary to the spirit kindled by a handful of farmers at Concord Bridge when they "fired the shot heard 'round the world."

I am quite certain that the reason that laws on this subject are lacking is simply the fact that never before have they been needed.

Unfortunately, it now appears that they are and I must urge my colleagues to support this bill and thereby curb a minority group of misguided Americans who do not yet know the meaning of citizenship or patriotism.

The full force of our Government should be exerted to make certain that the unpatriotic minority who burn flags and draft cards and publicly defy law and order in this country, be arrested and brought to trial. They call themselves anti-Vietnam demonstrators. They actually are anti-American demonstrators.

It is time for patriotic people to speak out. The voice of America must not be that of the pacifist, unpatriotic minority. We must teach respect for the laws of the land and for the flag that flies over it.

Now a final thought:

> Freedom isn't free,
> Freedom isn't free,
> You've gotta pay a price,
> You've gotta sacrifice,
> For your liberty.

Mr. QUILLEN. Mr. Speaker, I have no further questions for time and yield back the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I shall not take more than a minute. In the 89th Congress we joined in a bill similar to that of the gentleman from Indiana. At

that time, although we are always reluctant to file a discharge petition, we were one of 150 who signed his discharge petition. Then along came the 90th Congress and we introduced our own bill again. We were hopeful that this matter could be scheduled on the calendar for Flag Day, June 14. That day has come and gone, and here we are a week later.

There is some strong feeling on the part of some who may be critical of this bill. If they want to be critical, that is their privilege. Let us hope they may so express themselves today. As we go into a consideration of this bill today, I hope it will not be with a feeling of timidity on the part of some who fear they may be accused of waving the flag. There is nothing wrong with waving the flag, as long as it is done with integrity and sincerity.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10480, with Mr. COLMER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ROGERS] will be recognized for 1 hour and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, it is entirely fitting and proper that the House of Representatives today consider legislation to prohibit desecration of the flag. It is an anomaly in existing law that desecration of the national flag is prohibited by Federal statute only in the District of Columbia. Although each of the 50 States prohibits certain acts of flag desecration, the States' statutes vary widely in the types of conduct they prohibit and the penalties which they impose.

Your committee has concluded that the national flag is a fitting subject for Federal legislation and is entitled to concurrent Federal protection.

In the case of *Halter* v. *Nebraska* (205 U.S. 34 (1907)), Mr. Justice Harlan impressively expressed the meaning of the flag in these words:

> To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

The legislation before us is occasioned by a rash of recent public flag-burning incidents in various parts of the United States as well as in foreign countries by American citizens. It will apply in time of war and in time of peace. It seeks only to protect from physical dishonor and public destruction the symbol of our Nation—its liberties and its ideals. There is an undeniable interest, Mr. Chairman, which is above partisan politics, in protecting against public desecration one of the most cherished symbols of this Nation.

The bill as amended will assure Federal investigative and prosecutive jurisdiction over those who would cast contempt by publicly mutilating, defacing, defiling, burning, or trampling upon the flag of the United States.

Specific provision is made in the bill to make clear that State jurisdiction in this area cannot be displaced. Oftentimes, the most immediate method of detection and apprehension of those who desecrate the flag may be by State and local police. Other times the exercise of Federal jurisdiction may be critical in enforcing the law. We are persuaded it is in the national interest that Federal and State authorities exercise concurrent jurisdiction over this subject.

It is also the intention of the bill that its prohibitions apply not only within the United States but also to the actions of American citizens abroad. As explained in the committee report, no express statutory declaration to that effect is necessary. The bill will apply to American citizens abroad who publicly burn or otherwise publicly desecrate the flag.

Mr. Chairman, approximately 90 bills designed to prohibit desecration of the flag were introduced by Members in this Congress. Subcommittee No. 4 of the Committee on the Judiciary, of which I am chairman, held extensive hearings on May 8, 10, 15, and 17, and on June 5. All those interested in testifying for or against the measure were given an opportunity to be heard; others submitted statements for inclusion in the hearing record. H.R. 10480 results from the study of the many bills pending before the committee, and sets forth an enforceable and legally valid antidesecration statute.

H.R. 10480 amends title 18 of the United States Code by adding a new section entitled "Desecration of the Flag of the United States; Penalties." The new section contains three subsections. Subsection (a) as amended makes casting contempt upon the flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, or both. While it was difficult to determine what is an appropriate penalty for the acts prohibited, the penalties provided for in the bill are similar to the penalties called for in a majority of the bills introduced on the subject, and in the committee's opinion are sufficiently severe without being excessive.

Subsection (b) defines the term "flag of the United States" in language identical to that contained in existing law, section 3, title 4, United States Code, now applicable in the District of Columbia.

Subsection (c) makes it clear that it is not the intent of this new criminal provision to preempt State law on this subject.

Mr. Chairman, at the appropriate time I shall offer a technical amendment to section 3 of the bill which will delete all references therein to the act of February 1917 and the District of Columbia Code. The only law today applicable in the District of Columbia on the subject of flag desecration is found in title 4 of the United States Code, and the bill does amend that provision. In the circumstances it seems prudent to delete all references to the District of Columbia Code in the bill.

The deletion of all references to the District of Columbia Code in section 3 will not make any substantive change in the bill.

We believe the bill herein reported is constitutional. The measure does not prohibit speech, the communication of ideas, or political dissent. The bill does not prescribe orthodox conduct or require affirmative action. The bill does prohibit public acts of physical dishonor or destruction of the flag of the United States. The bill places a burden on no one. All that needs to be done to comply with the provisions of this legislation is to refrain from publicly destroying the symbol of the Nation.

The committee report makes clear that the bill uses words which have well-defined, established, and accepted meanings. The bill certainly conveys to a man of common understanding a sufficiently definite warning as to the conduct prohibited.

The committee heeded the advice of the Attorney General by eliminating certain ambiguous terms in order to reduce the risk of challenge under the first amendment. The language set forth in section 1 of the bill describes objective acts which are made criminal if performed as a means of casting contempt upon the flag. Particular care has been used to avoid infringement of free speech. The bill does not prohibit inflammatory or defamatory statements directed toward the flag. The bill is limited to physical attacks upon the flag; it does not proscribe utterances. I believe the legislation represents a comprehensive and enforceable law which will effectively punish anyone who would publicly injure the symbol of the Nation.

The language of the bill prohibits intentional, willful, not accidental or inadvertent, public, physical acts of destruction. Utterances are not proscribed. One would be in violation of the bill if he publicly burned or tore the flag or if he spat upon or otherwise publicly dirtied it.

Of course, nothing in the bill prohibits anyone from complying with those provisions of title 36 of the United States Code which authorize the destruction of a flag in a dignified way when it is no longer a fitting emblem for display. Com-

pliance with this provision of the law obviously does not cast contempt upon the flag.

The flag is a symbol of this Nation. As Henry Ward Beecher wrote of the flag:

> A thoughtful mind when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government's principles, the truths, the history which belongs to the nation that sets it forth.

The public burning, destruction, and dishonor to our national emblem inflicts an injury on the entire Nation. Its prohibition imposes no substantial burden on anyone.

I urge my fellow colleagues to support the measure.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I wish to ask the gentleman a question. The committee, in the bill that it reported out, used the language "whoever casts contempt upon." Why was it necessary to use that language? Why did the committee think it necessary to include the phrase "cast contempt upon"? Why not say "whoever willfully shall publicly mutilate, trample upon, or burn the flag of the United States" shall be subject to these penalties?

Mr. ROGERS of Colorado. First of all, this subject matter was referred to the Attorney General and this language was the best suggestion he had in connection with it.

Now, there were many who wanted to add language to provide "whoever, with intent to cast contempt." Now, we eliminated the word "intent" because we provide—whoever casts contempt upon the flag by the destruction thereof—that that act within itself takes affirmative action on the part of the individual who commits the act that he having the reason and understanding, should naturally be accountable for the consequences of the action. It takes definite action to do it and, hence, if he destroys a flag, then in that instance he is doing so with contempt and he is guilty under this provision of the bill.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield for one further question, why should it be necessary that he cast contempt on the flag at all?

Mr. ROGERS of Colorado. Well, we feel that at least that provision assures that the bill will not apply to those who say, "Well, it was accidental; it was not intentional."

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself 1 additional minute.

Mr. WHITENER. Mr. Chairman, I feel that it might be well to point out the fact that the principal reason for using the words, "casts contempt upon," is that in the existing law there is a procedure prescribed for the disposition of damaged or worn flags, and that embraces burning. If we use the language which our friend, the gentleman from New Hamphisre [Mr. WYMAN], suggests and left out "casts contempt," I am afraid that a compliance with the existing code in handling these flags might bring them into criminal violation. So, unless you have this element of "casting contempt" and thereby trying to bring the flag into disrepute—to deface or defile or burn it, it might not be covered here.

Mr. ROGERS of Colorado. I appreciate the contribution of the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself 1 additional minute.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from Colorado for yielding. I note in examining the bill as it was reported by the committee, that each of the amendments suggested by the Attorney General, including this language of the test of contempt, each of these amendments suggested by the Attorney General was incorporated in this bill.

Mr. Chairman, I wish to commend the committee for its action on this bill.

Mr. Chairman, I support this bill to provide Federal penalties for the desecration of the American flag.

Since all 50 States and the District of Columbia already have statutes which make it a crime to desecrate our national flag, it should be apparent that the criminal nature of the act is already generally recognized.

All of our State legislative bodies, and the Congress in the case of the District of Columbia, have already established this.

The only remaining issue with validity, in my judgment, is whether or not the recognized crime of desecration should be recognized as a crime of Federal jurisdiction, as well as in the States.

It seems to me a matter of obvious concern and interest to the National Government, as well as to the several State governments, for the flag is a national emblem of deep significance to all American citizens.

In the words of Justice Harlan in *Halter* v. *Nebraska* (205 U.S. 34, 43 (1907)):

> To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

I agree with the committee reporting this bill that a Federal prohibition of desecration of our flag imposes no substantial burden upon anyone, and certainly leaves every citizen free to speak as he pleases, assemble for redress of grievances, and otherwise exercise his constitutional rights.

The bill does recognize the criminal character of the act of desecration—the acknowledged fact that public burning, destruction, or dishonor of our national emblem is an act injurious to the Nation itself, and properly subject to criminal penalties under Federal as well as State law.

This bill should be passed by an overwhelming vote, serving notice to the flag burners that the Congress is determined to halt their irresponsible, criminal conduct.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I think it is important that we establish here on the floor some legislative history as to the meaning of certain provisions of this bill. I am particularly concerned about section 700, subdivision (b) which defines the term "flag." It is very broad. Its scope includes pictures and representations of the colors and stars and stripes or any part or parts of them.

Mr. ROGERS of Colorado. May I say to the gentleman from New York——

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. That is the definition that is used now in the United States Code, title 4 thereof.

Mr. RYAN. Will the gentleman yield further in order to clarify the scope of this bill?

Mr. McCULLOCH. Mr. Chairman, I yield to the ranking minority member on the subcommittee, the distinguished gentleman from Illinois [Mr. McCLORY], 5 minutes.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. McCLORY. I thank the gentleman from Ohio for yielding this time to me.

I want to say that I do not want to yield until I finish my statement. The time is very limited on our side of the aisle. We have more demands and requests for time than we shall be able to fill. So, it is not going to be possible to engage in a discussion by yielding.

Furthermore, I want to say this, that we held extensive hearings on this legislation. There were 5 days of hearings. There were 90 pieces of legislation introduced by the membership of the House on this subject. We heard witnesses both for and in opposition to the bill. We extended the hearings in order to accommodate several witnesses who wanted to testify in opposition to the legislation.

The members of our committee have reviewed a great many decisions of our Supreme Court and other courts. We have tried to consider this legislation rationally, deliberately, and dispassionately. First of all, let me commend the members of the committee who sat day after day hearing testimony on this bill, and who have brought forth what I believe is a commendable piece of legislation.

I know it is possible we could have used other language because there is a great variety of terms one can use with respect to a particular piece of legisla-

tion. This language was recommended in substance by the Attorney General. I believe he feels that it is adequate legislation and that it is legislation which enables him to prosecute successfully the offensive conduct that we undertake to prohibit and punish.

May I say this to you, Mr. Chairman, and to the Members of the House:

The American flag represents the Nation—the Government of the United States—and all that it stands for.

The flag is not identifiable with a political party—or either a Democratic or Republican administration. It does not stand for a policy to defend freedom in Vietnam or, on the contrary, to oppose that policy. What the flag represents is this: The rights of all the people, that is, the constitutional right to support or oppose administration policies. It represents all of the rights—and responsibilities—of citizenship under our Constitution.

The flag is the Government—it is all of the people. It is comparable to the Queen of England.

You can publicly burn a picture of the President. That means you are violently, even contemptuously, opposed to the President—or his policies. But to publicly burn the flag is to denounce and attack the Nation itself—the system under which our rights and liberties are secured.

We have always accorded special respect and reverence for the flag. Love of the flag is part of our heritage.

The recognition of this principle is borne out by our history—and by actions of this Congress and the legislatures of all 50 States.

Laws to forbid desecration, defilement, and other contemptuous conduct toward the American flag—are on the books of all 50 States.

Penalties for violating such State laws vary from State to State. But no such State law appears to have been seriously questioned. On the contrary, the right of the States to protect the flag from such contemptuous conduct as public burning has gone unchallenged. The validity of such State laws appears to have been generally recognized.

What the public seems not to have realized until recently is that we have no Federal law to prohibit desecration of our national flag—except in the District of Columbia.

No one seems to have contended seriously that because the 50 States have such laws the Federal Government is precluded from enacting such laws. However, there was some suggestion that the statutes of all the States were void.

Now—the principal basis for arguing against the validity of this bill is that a person who desires to protest some administration policy or action should be permitted to dramatize his protest by publicly burning the American flag—or by engaging in other insulting and contemptuous conduct toward the flag.

That argument is faulty and without support in the history or legal precedents of our Nation.

The American flag as the symbol of everything our Nation represents was brought out dramatically in this Chamber last week in the Flag Day ceremonies. The flag is the Government—and offenses against the flag are indeed offenses against the Government itself.

H.R. 10480 should be passed by this House—overwhelmingly. It should be announced emphatically that public and contemptuous burning or other desecration of the American flag is conduct which will not hereafter go unpunished.

Mr. Chairman, we have given ample consideration to the constitutional questions which have been raised by some of the objectors, and this discussion appears in the report of the committee, and in the additional views which I have included in the report. These, it seems to me, substantiate the clear constitutionality of this legislation.

I would like to point out that the legislation is not directed against words, but rather against conduct. Therefore, it is valid and should be supported.

Mr. Chairman, since the necessity for the legislation embodied in this bill is evident, I would like also to comment on the constitutional objections that have been raised in opposition. The subcommittee reviewed these constitutional objections with scrutiny and, after careful deliberation, concluded that they were without merit.

The opponents of the bill have fashioned an imposing list of Supreme Court decisions on their behalf. However, a careful review of those decisions will prove that they fall wide of the mark. The thrust of those cases is that a statute prohibiting or regulating speech must satisfy the clear-and-present-danger test, which *Schenck* v. *United States*, 249 U.S. 47, 52 (1919), stated to be "whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

If one applies the clear-and-present-danger test to contemptuous desecration of our flag, certainly that test is satisfied. For such conduct can only incite riots and invite lawlessness. It can only call others to pursue a course of action jeopardizing both the safety and security of our Nation. Such conduct is not merely a protest against the administration's policy, but, more significantly, it is an offense against the Nation itself. Thus, the Congress may and should recognize the clear and present danger by enacting this bill.

Even so, it should be noted that this bill does not simply prohibit words. More particularly, it forbids specific types of conduct. This distinction between speech and conduct has been recognized and approved by recent decisions of the Supreme Court.

In *Cox* v. *Louisiana*, 379 U.S. 536 and 379 U.S. 559 (1965), the Supreme Court upheld State statutes which proscribed obstructing public passages and picketing near a courthouse. The appellant had been convicted under the above statutes for conducting a civil rights demonstration near a courthouse. The appellant contended that the demonstration was an expression of protest and thus was protected by the first and 14th amendments. The Supreme Court said at page 555:

> We emphatically reject the notion urged by appellant that the First and Fourteenth Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech. * * * We reaffirm the statement of the Court in *Giboney* v. *Empire Storage & Ice Co., supra,* at 502, that "It has never been deemed an abridgment of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written, or printed."

The Supreme Court stated further at page 563:

> Nor does such a statute infringe upon the constitutionally protected rights of free speech and free assembly. The *conduct* which is the subject of this statute—picketing and parading—is subject to regulation even though *intertwined with expression* and association. The examples are many of the application by this Court of the principle that *certain forms of conduct mixed with speech may be regulated or prohibited.* (Emphasis added.)

In Adderley against Florida, decided last November, the Supreme Court again refused to apply the clear-and-present-danger test to expressive conduct, which in that case took the form of a civil rights demonstration. The Court rejected the first amendment argument, saying:

> Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and *however* and wherever they please. That concept of constitutional law was vigorously and forthrightly rejected in two of the cases petitioners rely on. . . . We reject it again. (Emphasis added.)

In the analogous area of draft card burnings, the Second Circuit Court of Appeals carefully reviewed the Supreme Court decisions and applied the balancing test rather than the clear-and-present-danger test, *United States* v. *Miller*, 367 F. 2d 72 (1966). Since the National Government had an interest in protecting the administration of the Selective Service System, the statute prohibiting draft card burning was held valid in the face of the first amendment argument.

Likewise, the National Government has a right to protect the symbol of its own existence. Can anyone deny the right of a Nation to its flag? And certainly if a nation has such a right, we cannot deny the means of safeguarding that right.

Moreover, the law has always had the power to proscribe conduct which is socially offensive to the people. Thus one cannot walk naked in public—even as a means of protest, Lady Godiva to the contrary notwithstanding. There is no doubt that the hundreds of letters that we have received as well as the scores of editorials on flag burning show that such conduct is socially offensive to the public.

Hence, there is a viable, vital national interest in this legislation which justifies its adoption and insures its approval in case of constitutional attack.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, we see and hear a lot about demonstrations during these critical times.

In our country people have a right to demonstrate—today we demonstrate our feelings.

We recently saw a demonstration that shocked the country.

We saw the flag of the United States of America go up in flames in Central Park. This, too, was under the guise of demonstration and freedom of expression.

I say that now is the time for patriotic Americans to demonstrate. Now is the time for Congress to lead the way and show the citizenry that we are concerned and apprehensive with such acts.

We can do this by passing H.R. 10480, the flag desecration bill.

I know there are many people who say, "why get excited, it is only a piece of cloth." "The flag is just a symbol." "Colored piece of cloth sewed together."

You and I know that the American flag is more than a piece of cloth.

The millions of loyal Americans know that it is more than a piece of cloth.

These Americans are now wanting Congress to tell the world that we respect our flag, that we are loyal to our country, and we will not stand for anyone desecrating this symbol that means so much to all of us.

It certainly was more than a piece of cloth to the doughboys who so proudly fought in France during World War I.

It was more than just a piece of cloth to the GI's who invaded Normandy, and to the marines who risked their lives to plant the flag on top of Mount Surbachi.

I recall several years ago, before I came to Congress, I spent a vacation in Switzerland. I was amazed at the number of businessmen and citizens who flew the Swiss flag every day of the year. I asked them if it was a special holiday or period that caused this display. The answer was simple: "We display the flag because we love our country."

It means more than just a piece of cloth to my good friends Gus Grissom, Edward White, and Roger Chafee.

And it means more than just a piece of cloth to our young men who today are fighting for it, and under it, in Vietnam.

This bill, H.R. 10480, calls for $1,000 fine and a year in jail for anyone desecrating the American flag.

I know, but cannot really understand why, that there are critics of this bill.

The reasons of the opposition vary; the law cannot be enforced or it is unconstitutional are some that are given.

I am not a lawyer, nor am I a constitutional authority, but the point of constitutionality has been thoroughly explored. You can bend the written law so far, but to state our Constitution permits flag desecration is a bit bizarre.

Critics say that this is an emotional issue. I maintain that the things that mean the most to us are emotional.

We get emotional when our children are born, when a loved one dies, or when a member of the family does something that we can be proud of.

So why should we not get emotional over the American flag? What is wrong with being emotional about our national symbol?

And what about the issue that is used against the bill that the law cannot be enforced? Why not? It certainly can if the Justice Department and the courts do their job.

But it is not our job nor our worry to enforce the law. But it is our job to make the laws.

From my mail, and I am certain from yours, you can see that the majority of the people are disgusted with flag desecration and our country being downgraded.

This is our chance to show the people back home that we do honor the American flag, and that we long remember the thousands upon thousands who gave their lives so this flag can fly over the Capitol Building this very day.

I want to thank the members of the Judiciary Committee for reporting this bill. The gentleman from Colorado [Mr. ROGERS], who so capably chaired the subcommittee that this bill came out of, and who is one of the authors of this measure.

I certainly want to thank him for the way he handled this legislation in committee.

Most of you know that I have fought for this measure for a long time.

Some say I fight for it out of emotion, others say I fight for it because of my strong connections with the Veterans of Foreign Wars and other veterans' organizations. And I have been called a superpatriot and flagwaver.

I believe my feelings were better expressed by a great American. I cherish the words of Henry Ward Beecher who said; and I quote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and . . . he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that set it forth.

When you burn the flag you are attempting to destroy the traditions and meaning of the United States of America.

I am confident that this bill will pass and I believe it will be by an overwhelming margin—and I am sure that most Americans will gain some respect for all of us.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman.

Mr. RYAN. I would like to ask the gentleman a question regarding his testimony before the Committee on the Judiciary at which time the gentleman was questioned regarding articles of merchandise upon which pictures or representations of the flag are portrayed. The gentleman then said the bill would cover pillows or beach towels "in the form of the American flag."

I should like to ask the gentleman whether he believes that this statute under section (b) would cover an item such as this beachbag that I hold in my hand which clearly is red, white, and blue and has stars on it?

Mr. ROUDEBUSH. I have not examined this beachbag too clearly and I cannot see it too well. But I would say it has stars on it and a red, white, and blue field. But I do not think it is a symbol of our American flag. I do not think it follows the same symmetrical design as the American flag.

Mr. RYAN. I show the gentleman this cigar which opens up and shows the stars and stripes of the American flag.

Mr. ROUDEBUSH. Where was that made—in Japan?—I ask my colleague.

Mr. RYAN. It says it was made in Korea. Suppose this cigar was smoked and burned. Would that be a violation of the statute?

Mr. ROUDEBUSH. I certainly know it is not the American flag, and it is not a symbol of our flag even, and it is not made in the same form.

Mr. RYAN. May I ask my friend, Does it have the stars and stripes?

Mr. ROUDEBUSH. If the gentleman wants to waste my time further, that is one thing. I would be happy to answer any questions. Of course, it has stars and red, white, and blue colors.

Mr. RYAN. Does it have parts of the flag?

Mr. ROUDEBUSH. I do not know whether it has any parts of the flag, but I will say that is not a symbol of the American flag.

Mr. RYAN. Will the gentleman look at it?

Mr. ROUDEBUSH. I am looking at it.

Mr. RYAN. Will the gentleman not examine it?

Mr. ROUDEBUSH. No; I can see it well enough, thank you.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman from Colorado now that the roadshow is over.

Mr. ROGERS of Colorado. If the gentleman from New York would be interested, let me read the definition of the flag as set forth in subsection (b), page 2, of the bill and in particular I direct his attention to line 3, which says:

> The term "flag of the United States" * * * shall include any flag, standard, colors, ensign, or any picture or representation of either * * * by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

In other words, that means that an average person of average intelligence who, on seeing such items, would believe that they are the flag or a representation thereof. That is a part of the definition of the bill.

Mr. ROUDEBUSH. I think the gentleman's point is well made. These articles demonstrated do not represent, nor do they imply that they are the American flag.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. WHITENER], a member of the subcommittee.

Mr. WHITENER. Mr. Chairman, I am privileged to serve on Subcommittee No. 4 of the Judiciary Committee, which conducted rather exhaustive hearings on more than 90 bills dealing with flag desecration. After hearing all the testimony the committee prepared the bill which is now before the House. I happily joined

my colleague, Mr. ROGERS, and others as a cosponsor of this legislation.

This bill seems to have given rise to many rather tenuous contentions and arguments. We have heard it said that it is unconstitutional in that it would interfere with one's rights under the first amendment of the Constitution. We have heard other contentions that the absence of the use of the word "intent" in some way would create problems for some of our colleagues.

Generally, we have heard a great deal of criticism of the language which has been set forth in this bill by the committee. I think that we have heard very little argument against the sacredness of the American flag or the attitude which all of us profess to have toward that flag.

Many of us who have followed that flag across the waters and in areas of combat perhaps have a different attitude toward the flag than some who have not had that privilege. I know that today there is temptation on the part of many of us to get up and wave the flag, as the expression goes.

There are others who would cast aspersions on it by trying to say that, "Well, the American people cannot be brought to love their country more by causing them to honor the flag."

I do not for one minute subscribe to that theory.

I should not be personal. However, I am sure there are others in this room who have had the same sort of training as I was privileged to have as a child. That training dictates that nothing should ever be placed upon the Holy Bible. We learned this at our mother's knee, and many of us who have had that sort of training today will remove anything which someone might inadvertently place on top of our Bible.

In America today we need to inculcate in the hearts and the minds of our people the idea that the American Flag is entitled to a place of preeminence in the heart and the mind of every living American. One of the ways we can do so is to insure, whether it be by criminal statute, by training, or by other methods, that Americans will never participate in nor tolerate the casting of contempt upon their flag.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to my chairman.

Mr. CELLER. I am inclined to the belief that the provisions of this proposed statute are constitutional. I say that despite the views of some of my liberal friends.

But you may remember that in the committee a number of us were disturbed about the language that appears on page 1, line 8 and line 9:

(a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling—

The bill, therefore, in my humble opinion—and I am using the words used by a number of members of the committee—would penalize whoever casts contempt upon the flag by specified public acts, without specifying whether contempt must exist in the mind of the offender or only in the eyes of the beholder.

In other words, if I have a picture of an American flag and publicly, with no intention of defiling the flag, I tear that asunder and I throw the program or the picture of the flag away, and the gentleman from North Carolina is present and he sees me doing that, and he deems that is not only offensive but is defiling the flag, although I had no such intention when I tore that flag publicly into bits, under the wording—and I am disturbed about the wording, and a number of other members, the gentleman may recall, were also disturbed about the wording—I might get within the toils of the law, although I had no intention of defiling the flag. Would the gentleman care to respond to that?

Mr. WHITENER. I suppose the question is whose view is to be taken as to whether the act casts contempt upon the flag.

Mr. CELLER. Suppose I am perfectly innocent of any intent of defiling or doing anything that would deface or mutilate the flag. I had no such intention. I would be innocent in that regard. Yet, under the wording here, I might be deemed guilty. That is what bothers me and a number of the members of the committee.

Mr. WHITENER. As I understand the gentleman's question, it is whether or not the conduct toward the flag would make him guilty if he did not within his own heart and mind intend to cast contempt, but the onlooker would view his act as one which did cast contempt.

Mr. CELLER. That is the thrust of my question. In other words, I would have no idea of defacing the flag. But an audience might think I have defaced the flag. I believe the wording is bad for that reason. As the gentleman may remember, we tried to amend it but we were worsted in that regard. I will be glad to get the gentleman's explanation.

Mr. WHITENER. I would say, Mr. Chairman, there is nothing unusual about the question which the gentleman asks. That is precisely why in this country we have the jury system. The jury would determine whether or not the act committed by the gentleman in the hypothetical case he has stated constituted casting contempt upon the flag. It would be sheer folly to let the gentleman go into court and determine his own case. He would present his evidence. He would go on the witness stand and say, "Well, now, while it may appear that I was contemptuous in my attitude toward the flag, at the time I had no such intent," and then it would be for the jury of 12 to determine whether he was guilty under the act.

The gentleman has mentioned photographs of the flag. I regret that all Members of the House cannot see the color photographs that the gentleman from New York [Mr. HALPERN] presented to the subcommittee. I can say that of all the photographs which I have seen in my lifetime, I have never been as immediately and as heavily repulsed. I am sure that the ladies and gentlemen of the House who have not seen those photographs cannot imagine a sick mind taking the U.S. flag and creating such results as we saw in those color photographs.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, the gentleman spoke of the jury and said they would be the sole arbiters whether there was that intention.

Mr. WHITENER. The question of intent is always a jury question.

Mr. CELLER. Yes. But I believe the judge might be compelled to make the charge that the intention could be spelled out of what was thought to be defiling by the audience, those who saw the act, rather than what the individual felt in his heart. That is the difficulty.

Mr. WHITENER. Mr. Chairman, we have contempt cases tried in courts every day. Members will recall that on this floor we had quite a discussion on several bills which the gentleman from New York was handling about the proper law in contempt cases.

I see no problem in regard to the jury determining whether or not certain conduct constitutes an intentional casting of contempt.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentlewoman from New York.

Mrs. KELLY. Would not the determination of this rest on the definition of "in public" to a degree?

Mr. WHITENER. Of course the act must be done in public.

This leads us into another discussion, which we find in the record, the discussion with Professor Freedman of George Washington University.

Mrs. KELLY. I thank the gentleman for yielding. Is not the answer to the previous question covered under the bill, section 700 (a), by the words "by publicly"—to repeat:

Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, *burning*, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Mr. Chairman, I rise in support of H.R. 10480, a bill to prohibit desecration of the U.S. flag. The purpose of the bill is to prohibit and punish by Federal law certain public acts of desecration of the flag. This bill does not prohibit speech, the communication of ideas or political dissent or protest. This bill does not prescribe orthodox conduct or require affirmative action. This bill does prohibit public acts of physical dishonor or destruction of the flag of the United States.

On January 10, 1967, I introduced H.R. 764, a similar bill legislating for the same purposes. I appeared before the Committee on the Judiciary on May 8, 1967, in support of my bill. Subsequent to my appearance and after reviewing the testimony of other witnesses before the committee I now stand in support of the bill H.R. 10480, which contains the committee amendments reported for action by this body from the Committee on the Judiciary.

I never thought that we as legislators would have need to or should legislate on love of country or respect for our na-

tional standard. I would even venture to say that I respect those persons who today say we are making a mistake in pressing for enactment of this legislation. I say this because I fully believe in the right of dissent. While we all respect the constitutionally protected right of freedom of speech and expression, I do not believe that these rights grant to any individual the right to desecrate or mutilate our national standard. The desecration of our flag can only be interpreted as an attack on the sovereignty of the United States and an attack on the symbol which guarantees the right to dissent.

I also believe that how we show respect for our country and its symbols is up to the individual, as is their expression of dissent. But on the other hand, the flag is the outward symbol of our American heritage and to willfully desecrate the flag by one means or another is not in any sense of the word an expression of meaningful dissent. Therefore, our national standard should be given Federal protection.

Mr. Chairman, I trust that the house will pass H.R. 10480.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. The thing which is interesting to me with regard to the remarks of the distinguished chairman of the Committee on the Judiciary and those who filed the minority views, is that intent appears to be an essential criterion so far as their judgment is concerned relating to this legislation or in some instances, yet not in others.

I refer specifically to title V dealing with acts of violence against those exercising certain specific civil rights of the Civil Rights Act of 1966, a copy of which I have before me, in which the word "intent" is not even mentioned. The acts prohibited are spelled out.

It was argued in the report on title V, under the Guest case, that when the act prohibited is spelled out in the act it does not include specific intent by the same Members who say intent is essential here under this flag desecration bill.

So, as it relates to the Civil Rights Act, title V, it is all right not to write in specific intent, but when it comes to burning and desecrating the flag of the United States of America we should write in specific intent. I do not understand it.

Mr. WHITENER. I believe we can find the answer in 21 American Jurisprudence Second, page 162, where it says:

> At common law, a crime required two elements: an act and an evil intent. This view is expressed in the maxim that an act does not render one guilty unless the mind is guilty.

Mr. CRAMER. That is correct. The jury has to make the determination of the intent of the party involved.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. SCHEUER. What about the act of a Federal employee who takes a great big black stamp and with a massive swing of his arm obliterates the image of a flag? Would that act make felons out of Postmaster General Larry O'Brien, and tens of thousands of Federal employees in our post offices—as they routinely cancel American-flag stamps billions of times annually? Will General O'Brien exchange the bars of the post office window for the bars of the Federal penitentiary?

Mr. WHITENER. Of course the answer is fairly obvious. That is not covered by this legislation. I refer to the language "whoever casts contempt * * * by publicly" doing certain acts.

Mr. SCHEUER. That is a public act, performed in a public place, visible to the public through the post office window?

Mr. WHITENER. It may be, but I believe the gentleman is not too serious about that question.

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BIESTER].

Mr. BIESTER. Mr. Chairman, I support the general concept and approach of this bill. I offered an amendment in committee which would have covered the problem which the distinguished chairman of the committee has referred to in his recent colloquy.

I recall that earlier today we heard from a Member who pointed out that we already prohibit the mutilation of American money. I find that the law which prohibits that mutilation provides for intent in the following words: that "whoever mutilates, cuts, defaces, disfigures," and so forth, "with intent to render such bank bill, draft, or other evidence unfit to be reissued." So specific intent is referred to, at least, in that section.

At the appropriate time I intend to offer an amendment which would attempt to cover the problem the chairman has raised, and I believe others also intend to do so.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, I arise in support of this legislation, to provide a criminal penalty for the desecration of the American flag. There have been all too many Americans who have taken active and aggressive steps to bring disrepute to our country and its heritage. Our Government has recently allowed marchers throughout the country to desecrate the flag, carry the enemy's flag in their parades, burn draft cards, and otherwise give aid and comfort to the enemy. Our country is strong, the strongest country on earth. Our country has done more for mankind throughout the world, by far, than any country on earth.

Tolerance is a fine attribute, but when tolerance becomes a cloak for national cowardice, treason, law violations, and attacks against the integrity of our country, it is time that Congress takes action. It is also time that Congress insists that the Federal law enforcement agencies enforce the law. There is a fable that points this out quite clearly:

In the jungles there lived a great and mighty lion, truly the king of all the beasts. He was awesome to behold and all the animals knew that he was more powerful than they. There was also in that jungle a sneaky, slimy rat that lived in a hole beneath the rotting debris of the jungle.

The rat thought that the lion would be too proud and sensitive to the opinions of the other beasts to chase or even to slap at him. So one day he ran out of his hole and took a nip at the king of the jungle. The lion ignored it as the rat had expected. The next day he took a bigger nip from the lion and still the lion did not deign to notice him. On the third day the rat invited another rat to join him in taking a bite from the lion.

Soon it became a sport of the slimy rats to nip and bite the mighty lion. The other animals of the forest told the lion how it would make everyone dislike him to even slap or chase a slimy rat, for it was obvious he could always destroy them when he chose. The lion in all of his strength and dignity rose above all the nips and bites of lowly rats.

One night as he pondered, the rats came again and their nips and bites took on such great proportions that they ate the heart of the mighty lion. The king of beasts crumbled and fell in spite of all his strength and all his might without striking a blow in his defense.

Today the United States is so great, so powerful, that all countries are rightly fearful to attack us; but the rats are moving in. Yes, the rats at home and abroad are nibbling at us; the fellow travelers, the "pinko" students, and the "chicken-pickin' " Castros are moving in, the flag burners, the draft card burners, each bent upon embarrassing and injuring our country. We have been allowing treason, flag desecration, draft card burning, and multiple attacks on our country long enough. These rats are moving in. Inactivity and indecision of our Government are making the rats bolder and bolder. It is far past time that our Government takes action to see that America does not suffer the same fate as the lion in the fable.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the very important and necessary legislation now being considered by the House, H.R. 10480. I might say that I believe that enactment of a law such as this is long overdue. Patriotic Americans everywhere have been shocked and outraged at the all too frequent spectacle of the burning of the American flag. While some misguided Americans are using flag burning as a publicity stunt, other Americans are dying for the freedom it symbolizes. The passage of this bill, when acted upon by the other body and signed by the President, will insure that these flag burners pay a high price for the publicity and attention they so obviously desire—by being sent to jail and/or fined.

I might add that I was particularly pleased with the action taken by the Judiciary Committee on this bill. As a cosponsor of this legislation, I had sub-

mitted a slightly different version of the bill than most Members had submitted. My version had deleted certain questionable language which might have tended to raise serious constitutional questions about the bill. In reporting out the bill before us today, the Judiciary Committee agreed with my view and decided to delete the aforementioned language as well.

Once again let me urge the passage of this important and necessary legislation.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, it is significant that the House has finally decided to consider legislation to prohibit desecration of our flag. Nearly a year ago, I, with others, introduced legislation to accomplish this purpose and signed the discharge petition to bring it to the floor after our efforts to have it considered by the Judiciary Committee failed. As all know, the need for Federal legislation in this area became more evident with each passing day, and many joined in introducing the bill at the outset of this Congress.

However, it was not given proper attention until recently when several incidents dramatized the need. In my home State and many others, the Nation has been subjected to insult by the burning of the symbol of our ideals, traditions, and institutions. The longstanding argument that this matter should be left to the States has lost appeal. Our flag represents our country, and matters relating to it are rightfully within the responsibility of the Congress.

Yesterday, we celebrated the 190th anniversary of the designation of the Stars and Stripes as our national flag. It was adopted on June 14, 1777—by the Continental Congress, and today still flies above us as the badge of our courage, integrity, and unity. Though to some it may still appear only a piece of silk in red, white, and blue, thousands of Americans have given and continue to give their lives in its defense. Brave men have followed it into battle in lands around the world to preserve the ideals for which we stand. The soldiers at Iwo Jima, immortalized in the famous memorial at Arlington National Cemetery, risked their lives under enemy fire to plant that piece of cloth on a craggy hill in that far-off island. And yet a despicable few of the very Americans for whom those marines died, burn the flag. We cannot allow this to continue.

It has been argued that the State laws adequately deal with desecration of the flag, but recent events have proved the inaccuracy of that position. When demonstrators cross State lines to burn flags and then return to their homes, chances of prosecution by the State in which the burning occurred are slim, especially if the offenders are not immediately known. Only Federal law can provide law-enforcement officials with a jurisdiction that is not stopped by a State border. This becomes a problem of interstate commerce beyond the control of any one State when flag shoeshine cloths, flag handkerchiefs, or other items disrespectful of our national symbol are manufactured and shipped across State lines. Only the Federal Government can stop this abuse.

Some critics of the antidesecration proposals now before Congress, have suggested that these measures would interfere with the individual citizen's first amendment, freedom of expression. A recent case in my home State demonstrates that this criticism is not valid. New York has a statute very similar to the language in this bill which makes it a misdemeanor to "publicly mutilate, deface, defile or defy, trample upon, or cast contempt upon" the U.S. flag (McKinney's Consol. Code Annotated, Penal Code, 1425[16]). Recently, a young man was convicted under that statute for exhibiting what he called art—a stuffed flag shaped in the form of a human body being hanged and another flag stuffed to represent forms too grotesque and obscene to be described. In affirming the conviction on April 13, 1967, Justice Levy of the New York Supreme Court wrote:

> Suffice it to say that the statute deals with the flag itself, a symbol of our free and independent country. The statute in no way curtails political dissent or prohibits communication of ideas. The desecration of our flag cannot be utilized as a symbolic act to punish or exhibit disagreement with or opposition to the policies of our government.
>
> To permit such desecration under the guise of freedom of speech would certainly weaken, if not destroy, one of our most cherished symbols. (*United States Flag Foundation, Inc.* v. *Radich*, 35 Law Week 2613 (April 25, 1967)).

Further, the three-judge appellate division upheld Justice Levy's opinion on May 5, 1967.

Recent events have demonstrated that to allow such offenses to go unpunished, to use Justice Levy's words, "would certainly weaken, if not destroy, one of our most cherished symbols." This bill would not destroy any constitutional rights. It would protect them by putting the force of the Federal Government behind efforts to preserve the dignity of the symbol of the Republic that protects those rights. We should promptly enact this measure.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Florida [Mr. BURKE].

Mr. BURKE of Florida. Mr. Chairman, I rise in support of this highly significant measure before us today which would make the desecration of our cherished national emblem a Federal crime.

The flag of the United States, our beloved Stars and Stripes, means too much to all true Americans to permit it to be desecrated with impunity by the disloyal, the disaffected, and the dispirited. Prosecution for such desecration has not been effectively undertaken at the local level under State statutes for a variety of reasons. These were analyzed thoroughly by the House Judiciary Committee before recommending passage of the bill now under consideration.

How sad it is that dissenters from the policies of their Government's conduct of the war in Vietnam have chosen to desecrate the flag of the United States as a means of expressing their opposition. Perhaps those who advise them think they are really patriots in disguise, but I ask are they patriots? Certainly they are not in my way of thinking—American patriots.

General Westmoreland, the commander of our brave men in Vietnam, has expressed his views this way:

> The burning of the flag—I cannot view that as other than an unpatriotic act. Thousands of men have died for that flag, and they are still dying for it in Vietnam.

Our flag is a beloved symbol of all that we cherish as free citizens. It represents the sacrifices made by hundreds of thousands of brave men throughout our national history who laid down their lives fighting for the cause of freedom. It represents our determination to remain free and to succeed in defending our great country in the years to come as we have succeeded in defending it in the past.

We should honor our flag on all occasions and at all times, and with special ceremony on holidays and other appropriate times. But, most important, we must honor it, cherish it, respect it, and protect it. Now is the time to rededicate ourselves to the principles of freedom and justice for which it stands. An overwhelming vote of support for the measure now before us, a measure to prohibit by penal sanctions the desecration of the flag, will clearly show the strong and positive sentiments of the Members of the U.S. House of Representatives and of the millions of Americans whom we are privileged to represent.

Our beloved flag has endured through every war, disaster, and peril—and so shall it endure in the future. It has brought the United States from the 13 original States of the Atlantic seaboard to the Mississippi, across the plains, on to Oregon and California, and thence finally to Alaska and the tropical islands of the mid-Pacific.

Our flag is the emblem of our Nation's independence, of our freedom, and of the precious heritage won for us by brave men and women over the generations. By voting in favor of this legislation, we shall act to deter and punish acts intended to desecrate the flag of the United States. Our answer to each future flag-burner is a heavy fine, and the gift of time for meditation and reflection behind bars.

By enacting this new statutory protection for our brave banner we may lend further assurance that our flag may long wave over the land of the free, a symbol of American dreams and aspirations, of American stubbornness and courage, and of American purpose, sacrifice, and achievement. Once again, with humility and true devotion, we pledge our allegiance to the flag of the United States of America.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, not far from here on the slopes of Arlington, Va., one can view row upon row of simple white headstones. The quiet dignity of these simple gravesites in national cemeteries across the country is a fitting memorial to the dignity and devotion displayed by these sons of America

as they went forward often thousands of miles from their homeland to die for their country and their flag. Occasionally, as one wanders through these cemeteries, there is a new grave—the final resting place of a young American who fell in the jungles of Vietnam. The question that is to be answered by our vote today is why did these men give their lives? The very fact that we must vote on this bill here today is a desecration of the memory and lives of valiant Americans who have through the centuries defended their flag with unwavering devotion and loyalty.

We are told that to pass this legislation is a violation of the first amendment, that it is usurping the right of dissent. Do only dissenters have rights? What of the rights of those men lying in Arlington—the men who fell in the battlefields all over the world? Do we not have a responsibility to those men? America's brave and gallant men have purchased with their blood the freedom which we here have so blatantly taken for granted. These men died that we could be here and freely debate this bill. They died so that some of us could differ without fear of reprisal. They died that you and I might live in this great land as free men. They died that freedom might survive. My colleagues, that flag is freedom personified—it is freedom exemplified. By giving their lives for our flag, our fighting men possess a portion of the flag that symbolizes our freedom.

To burn or destroy the American flag to exercise one's right of protest is not only destroying the symbol of the freedoms under which the protesters are seeking protection; it is the destruction of the property of tens of thousands of Americans. No one would question the illegality of my burning my neighbor's house because I protested the color he painted it. Neither should anyone object to declaring the burning of the flag illegal, since it is the property of every American, particularly those whose blood was shed in its defense.

The Bill of Rights guarantees men certain privileges as long as their exercise does not encroach upon the rights and privileges of others.

If the flag were the exclusive property of an individual Vietnik, or even a small group of protesters, no one could object to their right to burn it. Let them devise their own flag and burn it in desecration.

The flag of the United States is the symbol of freedom and the common property of an entire nation. Public Law 829 governs the display of our Nation's flag, yet no law has ever been adopted to protect the flag against desecration. Thousands have died to protect their flag and all that it represents. The least the Congress can do is to pass this legislation which will add in some small way to the protection of the vested right of every American citizen in our great symbolic flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in support of this bill for the protection of the flag of our country. The flag is the symbol of the Nation itself, and contempt upon the flag is contempt upon the United States themselves. The United States has undoubted power to make the contemptuous mutilation, burning, defilement, or defacement of its national symbol an act prohibited by law. The fact that many States in the Union have also made those acts violative of State law does not deprive the National Government of like power.

It is unfortunate in a way that there is need today for such a Federal law. The fact that such a law seemed unnecessary in the past evidences that reverence in which the national symbol has been heretofore held, and now, in the social restlessness of the present day, it becomes apparent the Nation must pass a criminal law in defense of its flag.

Those who argue against this bill suggest its provisions may be violative of the constitutional right of free speech. Certainly the right of free speech is not so broad as to include all forms of expression, by act as well as by word. This bill prohibits acts. I believe it to be fully constitutional. If the Government is without power to prohibit an act because it expresses political rebellion, then the act we passed a year ago to make the assassination of a President of the United States a national crime might also fall. The interpretation of constitutional provisions must pass the test of reason. Their interpretation in ways which reach absurd extremity is not in the best interests of either the Nation or its people.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Chairman, the American flag has become one of the best known symbols in all of world history. Its significance, now and in times past, is full of meaning which extends not merely through each State of our Nation, but throughout the extent of the globe.

In its early days the American flag was the symbol of a people's determination to protest the oppressive acts of a colonial master far across the sea. It signaled the vast effort of an oppressed people to declare and to implement their political independence.

Also in those early days the American flag was a symbol of the unity of 13 Colonies whose closest ties before the Revolution were not with each other but with the mother country.

The immediate predecessor to the Stars and Stripes was called the Grand Union flag to emphasize the new unity of the former colonies.

As the design of the Stars and Stripes gradually developed great care was given to preserve in the flag the significance of the federation of States. Thirteen stripes symbolize the Original Colonies.

And with one star on the blue field for each State of the Union the flag specifically recognizes the integrity of each State.

Much later, in Two World Wars, the American flag became a symbol of freedom from oppression. It was known as the "flag of liberation" to millions of people around the world whose lost liberty was regained under the American flag.

Over the years the flag has symbolized a land of liberty and opportunity to millions of immigants who have sought to better themselves and to provide a future for their children and grandchildren.

And today the American flag flies as a living and powerful symbol of what a free people can do in the betterment of life, the development of liberty, and the pursuit of happiness.

Mr. Chairman, it is no wonder that the U.S. flag is the target of attacks here and around the world. We need not be surprised. The flag is such a meaningful symbol for freedom all over the world that it cannot be tolerated by those who wish to destroy freedom.

We should not be surprised that the organized agitators, in their effort to suppress freedom and liberty, use the American flag as their target in public displays of disrespect.

The flag is the most logical object of their fear and their hate because it stands for everything they oppose—a proud nation, a free people, the unity of 50 great States, and a measure of protection for political independence throughout the world.

Those few professional and semiprofessional agitators who are attracting attention these days by burning and defiling the American flag in public demonstrations should be penalized because the dignity of the flag must be considered as worth preserving. In destroying the flag they seek to symbolize the destruction of a nation and everything for which it stands.

In permitting flag burning to continue indefinitely we allow the meaning and the purpose of our national unity to be undermined and eroded. The danger is that in time we will have lost the feeling of national consciousness and pride that is the basis for the American flag's great significance today.

And that, Mr. Chairman, is precisely what the flag burners seek.

No, it is not surprising that those who wish to destroy our liberty select the American flag as the target for their public scorn.

What is surprising, however, is the attitude from some sources that a law to prohibit flag burning is somehow not required or even is foolish.

It is said that if we try to prohibit public burning of the U.S. flag we are trying to prohibit legitimate dissent. I say this is nonsense. On the contrary, we are trying to preserve the right to dissent.

One aspect of American liberty, symbolized by the flag, is the right to dissent. It is a right we want to protect and a right we are in fact protecting. Everyone has the right in this country today to legitimate dissent. It is a right which is being practiced every hour of every day.

The flag burners, on the other hand, are not really interested in dissent. What they want is the dominance of their own views to the exclusion of others.

The right to dissent will be protected not by the burning of the American flag, but by the survival of the flag and of the freedom for which the flag stands.

Still others say that to protect the flag would require a national police force.

This is a smoke screen and sounds hollow coming as it does from the same people who are in the forefront of those calling for vastly increased Federal control over many aspects of the lives of all American citizens.

With Federal Government representatives already looking in on local election procedures, farmers, and schools, there can be no real concern over the enforcement of a law against burning the flag.

And again, some profess to say that it is inconsistent to favor the dignity of the American flag and to also favor the rights and responsibilities of the 50 American States.

And this is another form of nonsense. Because the flag symbolizes the idea of federation, and the unity of 50 sovereign States, the dignity of the flag is indeed consistent with the idea of States rights and responsibilities.

To go further, the American flag is the most meaningful symbol ever set up by man to signify the successful working of a political system which combines the welfare of States with a true national interest.

It is this significance which is part of the American message to the world today. We all support it, preserve it, and take pride in it because of our basic belief that people everywhere should have the right to determine their own form of government and have a voice in their own system of government and in their fate.

For all these reasons I support this legislation. It is similar to my own bill, introduced last year, and reintroduced this year. I am hopeful that we can restore to the American flag the place of dignity and respect that it deserves and must retain. Otherwise, this Nation shall fail.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from California [Mr. REINECKE].

Mr. REINECKE. Mr. Chairman, 190 years ago the Continental Congress adopted a resolution "that the flag of the United States be 13 stripes, alternate red and white; that the union be 13 stars, white in a blue field representing a new constellation." Since that historic day almost two centuries ago, the flag has recorded in its constellation the growth of 13 colonies to the 50 great States that comprise America today.

One hundred and ninety-two years ago the U.S. Army, the oldest of our military forces, was established by the Second Continental Congress. Its growth is commensurate with that of our Nation and its responsibility to defend and preserve the right of self-determination here and elsewhere around the world, wherever and whenever it is threatened by external aggression.

It is appropriate that Congress join with the Armed Forces of the United States in commemorating the anniversaries of the Stars and Stripes and the U.S. Army which has fought valiantly and victoriously under her in 13 wars and 145 campaigns.

While our men in uniform continue to serve loyally under the flag in support of all it represents, we at home have stood by and watched Old Glory set afire and otherwise desecrated in symbolic anti-American demonstrations by people who claim the sanctuary of U.S. citizenship. I have received numerous letters from our men in Vietnam asking why the President has sent them thousands of miles away to fight for American ideals, when he lifts not a hand nor a voice to defend them from abuse here at home. We, of course, cannot answer for the President, but we owe it to our men in uniform and their loved ones here at home to make our own position emphatically clear. There are many ways by which we can do this, but none quite so meaningful as that which we are about to do here—afford Old Glory the benefit of Federal protection.

This is the very least we can do for a national emblem which has served us proudly from our humble beginnings to our present position of free world leadership. I, personally, am honored to be associated with this reconcilement of a glaring omission in our Federal laws. I will never forget the shock and outrage which I felt when I saw pictures of the Stars and Stripes engulfed in flames, and learned that the Federal Government was powerless to prevent or punish those responsible for this sacriligous act. Immediately, I introduced my first bill on June 14, 1966, to provide criminal penalties for desecration of the flag. In the absence of action by the 89th Congress, I reintroduced my bill, H.R. 9121, early in this session, and testified in its behalf during the hearings which were recently concluded by the House Judiciary Committee. I am proud to say that with the exception of a minor technical difference, my bill is identical to the one which was reported to us by the committee.

There are still other ways by which we can demonstrate our loyalty to our country and to our men in uniform. The Flag Day program in which we participated for instance, demonstrates our love and devotion not only for the Stars and Stripes but for the country she represents, and for our men in uniform who are fighting to defend our national motto "liberty and justice for all."

American citizens here and abroad joined together in similar demonstrations of their respect and appreciation for Old Glory and the freedom, liberty, and hope that she has given not only to those of us who enjoy her protection, but to millions of less fortunate people throughout the world for whom tyranny is a way of life. To these people, in particular, the American flag represents a ray of hope for a better world, one in which all people can live in peace and freedom to worship, speak, work, and choose their own form of government.

At this point in the RECORD, Mr. Chairman, I would like to insert an article by Henry Machirella which appeared in the New York Daily News on Saturday, May 13, 1967, under the heading "A Flag Is Raised Where Another Was Burned":

A FLAG IS RAISED WHERE ANOTHER WAS BURNED

(By Henry Machirella)

In a patriotic and poignant prelude to todays Support Our Men in Vietnam parade, an American flag-raising ceremony took place yesterday in Central Park at the exact spot where anti-war demonstrators had burned Old Glory nearly a month ago.

Among those on hand for the occasion was Chuck (The Rifleman) Connors, idol of millions of American youngsters and a television symbol of the fighting Americans of earlier eras who helped make this country great.

Also there was parade Chairman Ray Gimmler, a Fire Department captain, who promised that a forecast of possible rain for today would not dampen the fervor and enthusiasm of the thousands expected to participate.

FLOWN HERE FROM WASHINGTON

The 8-by-5 foot flag raised in the park's Sheep Meadow yesterday had been flown over the Capital earlier in the day and brought here by Rep. Ed Reinecke (R–Calif.) for the presentation to Connors and to Thomas J. Kelly, president of the Congressional Medal of Honor Society.

The participants, accompanied by an honor guard representing combined veterans' groups, and the color guard of the Fire Department Post of the Ameican Legion, were shown the exact spot where the desecration of the flag took place.

At the spot, in the southeast corner of the meadow, near 62d St., a portable flagpole was assembled, and the flag-raising took place at 2:30 P.M.

The 6-foot-5 Connors, a former pro baseball and basketball player who once had a whirl with the Brooklyn Dodgers, said he had just come back from a tour of Vietnam and that he had been there on April 15, the day the flag was burned by the peaceniks here.

"The boys over there asked me, 'Why do you let things like this happen back home?' " Connors said, "I pledged the boys I would make every effort on their behalf to stop this sort of thing."

"I've had it up to here (he held a hand across his throat) with leftist demonstrations. We are selling short 442,000 responsible soldiers with the sort of irresponsible demonstration they had last month in the park."

Reinecke said that only five or six members of the House of Representatives will show any opposition to a bill now pending which would make it a federal offense to desecrate the flag.

Another American flag, which flew until recently over the 1st Marine Division headquarters in Chu Lei, South Vietnam, will be unfurled in the parade today.

Maj. Gen. Herman Nickerson, commanding general of the division, presented the flag to Anthony Policastro, president of the New York Chapter of the 1st Marine Division Association.

It will be borne by a member of the chapter as the parade gets under way at noon at 95th St. and Fifth Ave. and proceeds to 62d St. and Fifth.

In the line of march will be 10 Medal of Honor winners, headed by Kelly, who will also serve as the chief reviewing officer of the parade.

IKE ENDORSES PARADE

Chairman Gimmler said the parade has received the endorsement of former President Dwight D. Eisenhower; former Vice President Richard M. Nixon; Vietnam commander, Gen. William C. Westmoreland, and more than 100 Senators, Representatives, Governors, Mayors and other prominent public officials.

Cardinal Spellman and Bui Diem, S. Vietnam's ambassador to the U.S., will be among those reviewing the march.

The parade, expected to be one of the largest ever held here, will be broadcast live to the men in Vietnam by the Armed Forces Radio. The News TV station, WPIX, will carry it live from 12:30 to 2:30 P.M., under sponsorship of the International Longshoremen's Association and the National Maritime Union.

Mr. Chairman, many people have expressed an interest in the journey of the flag which was first flown over this Capitol, at my request, and then carried to New York by me for presentation to Chuck Connors and Thomas J. Kelly, president of the Congressional Medal of Honor Society. After the flag was raised in Central Park, and carried in the mammoth "Support Our Men in Vietnam" parade on May 13, it was subsequently carried to Los Angeles where it was presented to Sgt. Billy Swindle. Sergeant Swindle carried the flag to San Francisco where it was transferred to Mayor John F. Shelley, who in turn presented it to Sgt. William G. Pickle. The journey ended in Vietnam on May 20, when Sergeant Pickle in a formal ceremony presented the flag to Gen. William C. Westmoreland. In a letter dated May 20, General Westmoreland conveyed to me and to all of those who participated in the "Support Our Men in Vietnam" program, his appreciation as follows:

DEAR MR. REINECKE: Please accept my sincere thanks on behalf of the officers and men of my command for the flag and letter which I received today from First Sgt. William G. Pickle who carried them from California. This flag and the parade in New York are symbols of what I believe is a deep feeling of support on the part of the American people for their men here in Vietnam. I salute you for your efforts for bringing this support to the attention of the fighting men here and to the people throughout the world.

You can be assured that we will continue to do our utmost here in Vietnam to deserve this support.

With high regard, I remain,

Yours sincerely,

W. C. WESTMORELAND,
General, U.S. Army,
Commanding.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, it is with mixed feelings that I rise today in support of H.R. 10480, which provides penalties for those who would contemptously desecrate our flag. While I do not believe that any sovereign nation needs to apologize for taking measures to protect its primary national symbol, we, as Americans with our heritage of justice and liberty for all responsible people, should feel ashamed and a little bit sad about the increasing need for this law.

However, the time has come for the Congress to enact a law which would provide a uniform statute applicable to the 50 States and the District of Columbia. Such legislation would serve as a deterrent to further acts of flag desecration and provide a uniform but appropriate penalty for violators. This bill is similar in intent to bills I introduced on May 4 of this year and in the second session of the 89th Congress.

My only regret in regard to this bill is that it is necessary at all. The very demonstrators who have desecrated our flag are the people who should be most thankful for the guaranteed rights of protest and dissent symbolized in the flag they have burned. To these people I will read the following quote by Henry Ward Beecher:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets it forth.

One can well imagine the personal dismay of the veterans of our Armed Forces and the families of the thousands of casualties in past wars who gave so much to insure the continuation of these same rights of protest and dissent when they see the flag for which they suffered being shredded and burned. If our flag is worth dying for, and it is, it is worth protecting.

Consider the position in which the Department of State finds itself when it attempts to demand apologies from other countries in which our flag is mutilated maliciously when nothing is done here at home when the same thing happens. Thirty-eight free world countries have laws which penalize those who would desecrate their flag. Many of these laws are stricter and wider, in scope than this bill, and some of them protect our own American flag in those countries.

Consider the inconsistency of our policies which punish people for mishandling our postage and money, but not for what they do to our national flag. Consider the fact that we have long had a law on the books to protect the trademarks of private enterprise and yet we have no law which protects the symbol of our national enterprise.

Spokesmen in the administration have argued that since the 50 States have varying antidesecration laws on their books, there is no need for Federal legislation. This argument is indeed ironic coming from an administration which has deemed a hotdog sold from a stand beside a road which leads, among other places, to a highway partly financed by Federal funds to be subject to Federal law. At any rate, they are missing the point. This bill will act to protect the national flag, not the 50 State flags, and thus Federal legislation is clearly justified in this case. This bill does nothing to prohibit continued enforcement of the various State antidescration laws such as the one in my own State of Kansas.

Some people have wrongly assumed that in order to publicize their protests and views, they have a constitutional right to do so whenever, however, and wherever they please. However, the Supreme Court has set down the principle that "certain forms of conduct mixed with speech may be regulated or prohibited." There should be no doubt that one of these "forms of conduct" would be the contemptuous desecration of the symbol of our national purpose. We should note that none of the 50 State laws dealing with this subject have been struck down by the courts on the basis that they somehow violate the freedoms granted by the Bill of Rights and the 14th amendment.

As pointed out in the committee report, the bill does not prescribe orthodox conduct or require affirmative action. The bill does not prohibit speech, the communication of ideas, or political dissent or protest. The bill does prohibit public acts of physical dishonor or destruction of the flag of the United States in intentional and willful, not accidental or inadvertent actions.

This measure does nothing to pass judgment on the propriety of the flag-burner's purpose. It merely protects the right of our Nation to proscribe the willful public destruction of its flag regardless of the temporary circumstances or policies which led to such an act of protest. The act of desecrating the emblem of our national character is much more than a protest against any particular administration or policy. The penalties provided in this bill are the same for those violators who act as a protest against our current policies in Southeast Asia as for those who might act to protest hot weather.

Thus it must be remembered that this bill does not represent any unusual or unfair restraints upon our citizens. Like all of our criminal laws, the violators will have recourse in the courts.

Mr. Chairman, except to prohibit contemptuous desecration of the flag of the United States, this bill does not prevent political dissent or criticism in any way. It is narrowly drawn to regulate a limited form of action. It does nothing to stifle dissent against any of our Government's policies and actions, including this bill.

Due to the unfortunate necessity for such legislation, I will support this bill today, and I urge my colleagues on both sides of the aisle to join in strong nonpartisan support for the protection of the American flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from New York [Mr. KING].

Mr. KING of New York. Mr. Chairman, I wish to express my wholehearted support of this proposal to prohibit desecration of the American flag. I also wish to commend the distinguished chairman of the subcommittee, the gentleman from Colorado, for the time and attention he has given to this measure both in committee and on the floor of the House today.

Mr. Chairman, I have introduced H.R. 8955, a similar bill to the proposal we are considering today because I felt it has become increasingly apparent that there is a real need for uniform law, applicable equally in every State, to protect the integrity of our national flag.

The American flag has always been a symbol of liberty. The Stars and Stripes are known to millions of Americans, and even millions of enslaved men of other lands, as "Old Glory." It has witnessed a great history and American boys are once again struggling for freedom in Vietnam just as we did in World War I, World War II and in the Korean conflict.

Yet, there are thoughtless and heartless men who glory in the sanctuary of freedom and personal rights of this great Nation without the slightest concern for their duty and responsibility to that Nation. We hear outlandish protests against serving in the United States Army. We hear young people debating the importance of our national flag insisting that it is merely a symbol and nothing more. Most of us would not have thought it possible that the symbol of

the United States should be openly scorned, mutilated, spat upon or burned. But that is exactly what has happened recently. It is not a piece of cloth that has been and is being desecrated, but the flag and symbol of a country that has made freedom a way of life.

I have received many letters from constituents supporting this legislation and decrying the desecration of the flag of the United States. Among these are letters from servicemen in Vietnam who have read that the people in America are demonstrating against their being there by burning and mutilating the flag of our country.

It is an unfortunate oversight that Congress has never seen fit to pass legislation making such act a Federal offense to desecrate the flag of the United States. The legislation we are considering today corrects this oversight and it is my hope that the measure will be overwhelmingly approved by the House.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from California [Mr. WIGGINS].

Mr. WIGGINS. Mr. Chairman, my purpose in taking this time is only to discuss briefly with the Committee, and for the benefit of the history of this bill, its constitutionality.

Whatever we do here today will at some subsequent time face the scrutiny of a court and the challenge that it violates the first amendment of the Constitution.

The basic arguments against its constitutionality are easily stated:

First. Congress shall make no law abridging freedom of speech.

Second. The physical act of desecration of our flag is done solely for the purpose of dramatizing disagreement with a governmental policy. It is this action which some believe speaks louder than words. It is "symbolic speech."

Third. Without question, symbolic speech—just as printed or spoken words—is subject to constitutional protection. Since the bill under consideration punishes symbolic speech, the dissenters contend, it does violence to the first amendment and is therefore unconstitutional.

I confess that the argument has some merit, and many distinguished legal scholars have urged that argument upon your committee.

Most probably, however, the argument is wrong.

At the outset, this Committee should not delude itself—should not find comfort in the statement contained in the committee report—that this "bill does not prohibit speech." Quite to the contrary, it does place a restraint on "speech" as that word has been broadly defined by the courts.

But the recognition that speech is prohibited surely does not end the constitutional inquiry. Many forms of speech—or conduct in lieu of speech—are constitutionally prohibited.

Examples are legion, but let me mention only a few which touch upon political dissent.

Some in this Chamber may recall that shots were fired here some years ago. The offenders had no particular malice toward the wounded Members. Their act of shooting from the gallery "as a means of dramatizing a political viewpoint."

Presidents have been shot and killed by dissenters. Again, the purpose of the assassin was to convey an idea. The physical act was merely a vehicle to dramatize that idea.

Lady Godiva, it is said, rode down the streets of Coventry on horseback clad only in a smile. Her purpose, we are told, was not to exercise the horse or to bask in the sun. Her purpose was to express by deed, rather than words, her disagreement with governmental policies.

There are other examples. The dissenter may set fire to himself, rather than the flag, for instance, or conduct a sit-in in a public passageway.

In each of the cases where the conduct is prohibited—and constitutionally so—there is a thread of consistency.

Congress may regulate and even prohibit speech—and to a greater extent, conduct symbolic of speech—if there is a good and sufficient reason for it.

This principle has been repeatedly recognized by the courts and has been expressed in a variety of ways.

There must be some "substantive evil"—one court has said—and the "clear and present danger" that evil consequences will result unless arrested by legislation.

There is a judicial "balancing"—other courts have suggested—between the freedom to say anything at any place and at any time and the consequences which are apt to flow from such freedom. If the individual and societal rights exceed that of the speaker, the scales tip in favor of regulation or prohibition.

But who decides what is "evil"? Or whether society has an overriding need to limit individual speech?

In the first instance, it is surely the Congress—subject, of course, to later review by the judicial branch.

Let me review for the Members a few of the "substantive evils" which your legislative committee found to exist. These findings are fully supported in the testimony offered before the committee.

First. The public act of desecration of our flag outrages and shocks the sensibilities of millions of Americans. And after all, was Lady Godiva guilty of any greater misconduct than shocking the sensibilities of the inhabitants of Coventry?

Second. The public act of desecration of our flag is apt to produce a civil disturbance, in which not only the dissenter but also the person and property of others are exposed to an unreasonable risk of harm; and after all, the regulation of parades and sit-ins is no more than a legitimate effort to insure order and to protect life and property.

Third. The public act of desecration of our flag tends to undermine the morale of American troops. That this finding is true can be attested to by many Members who have received correspondence from servicemen expressing their shock and disgust of such conduct.

Do not our colleagues who authored the minority views recognize that the protection of the morale of our troops is a proper subject of legislative concern? Read page 20 of the report. That Congress may act in one fashion on this subject does not constitutionally bar it from doing so in another way.

Mr. Chairman, there are substantive evils, and according to the witnesses, there is a clear and present danger of their occurrence unless prohibited by the passage of this bill.

I invite the Members to read the minority report with care. There is no refutation of the existence of the evils I have mentioned—only that the price of suppression of dissent is too high.

No one can predict with certainty the majority view of the court if the constitutionality of any bill is attacked. But, subject to that uncertainty, this bill is most probably constitutional and should be supported.

Mr. McCULLOCH. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, perhaps the most eloquent commentary on the legislation that we are considering today is that it has become necessary. It has been unnecessary now for nearly two centuries. Eighty-nine Congresses have assembled and adjourned—without finding the need to enact the bill we are debating today. This, I think, is something of a testimonial to the patriotism of our fathers. It is also, I believe, an awful indictment of the character of our present generation.

Your committee, Mr. Chairman, heard stark evidence of the need for this legislation. Witnesses told tales of contemptuous conduct, wholly beyond the pale of protest. Photographs were submitted which pictured the flag in a posture of obscenity which the propriety of this debate will not permit me to describe. Misuse and abuse were documented.

Mr. Chairman, the evidence is conclusive. The need for legislation is urgent. The dignity of the Government requires it. The people demand it.

The bill, Mr. Chairman, follows a moderate course. It condemns conduct. It does not proscribe speech in any particular. All States have flag desecration statutes. Most penalize both speech and conduct contemptuous of the flag. So does the statute of the District of Columbia. Nearly all of the bills introduced and considered by this committee had similar provisions. Yet, wanting as best we could to protect this legislation against constitutional attack we have confined the reaching of the bill to physical acts of conduct.

Yes, Mr. Chairman, a new doctrine is gaining some support in certain sophisticated legal circles. I refer to the doctrine of symbolic speech. This doctrine holds that acts in protest are not acts at all, but symbols of speech, and as such are protected by the free speech clause of the first amendment of the Constitution.

So far as this legislation is concerned, and without commenting upon the propriety and applicability of that doctrine in other areas, so far as this legislation is concerned, Mr. Chairman, the free speech guarantee does not protect the act of burning the flag. The application of that doctrine in this context is sheer sophistry. If flag burning is the equivalent of a simple protest against the

policies of government, then I suggest that espionage is the equivalent of a verbal protest against the American way of life.

The bill is not only moderate in its definition of the offense; it is moderate also in the penalty it imposes; it takes the middle course.

Some say that the penalty is too great because it is larger than the penalties imposed by the statutes of their States. Others will say the penalty is too small because it is less than the penalty imposed for burning a draft card. I suppose it is never possible to fix with any degree of exactitude the equation between the offense and the penalty. All that can reasonably be done is to establish guidelines, and there are only two such guidelines. First, the penalty should be high enough to deter the commission of the crime, but it should be small enough not to frustrate conviction of the crime.

I submit, Mr. Chairman, that the penalty structure which the committee chose after very careful deliberation follows those guidelines, and serves those two functions.

Mr. Chairman, the bill as it reaches the floor of the House is careful to preserve all of the statutes of all of the 50 States. As the Members of the body will understand, under the supremacy clause of the Constitution, Congress is taken to have preempted the legislative field it enters unless a contrary intent appears. Such a contrary intent does appear, and is most carefully drawn, in what will be section 700(c) of title 18 of the Code. Congress intends that in the field of flag desecration there shall be concurrent Federal-State jurisdiction. In some cases State authorities may be best situated to investigate and to prosecute offenses. In all cases, however, concurrent jurisdiction makes available the investigative expertise of the Federal authority which reaches across State lines.

Some question was raised during the committee deliberations about the extraterritorial application of the bill. Under the decision of the Supreme Court in the case of United States against Bowman, Federal criminal statutes apply to acts of U.S. citizens committed on foreign soil when those acts affect the welfare of the Nation.

The witness for the Department of Justice agreed that the statute, even without specific language, would have that extraterritorial impact.

Mr. Chairman, the opposition to this legislation is, as has been demonstrated, small but intense. I would not presume to judge those who rise to oppose it. They have their convictions, and their own responsibilities. As an advocate, I have mine. There is no need in this debate to talk either of treason or of jingoism. Let us talk, rather, of the law and the citizens' rights and obligations under the law.

Mr. Chairman, I urge the adoption—the prompt adoption—of this legislation.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, it is seldom I ever occupy this well other than to speak on bills emanating from our own committee.

But, I, too, am one of the coauthors of many bills that have been introduced on this subject. The bill that I introduced among other things would have provided a penalty of $10,000 or 5 years in jail, or both.

I have mentioned that for this reason. We talk about freedom of speech. It was Oliver Wendell Holmes who said that you cannot holler fire in a theater.

You have to exercise judgment and responsibility. Now why do I say this? We just passed a bill here where the cold arm of the Federal law can take your beloved sons and send them away to war and unequivocal death.

Now if we can do this—and there are those who do not think we should; 29 of them voted against the last bill, for varying reasons—if we can do this, then we can tell a man who wants to burn and defile the American flag—you shall not do this with impunity. Oh, they say it is symbolic of the expression of freedom of speech within the intent of the first amendment to the Constitution.

This is so ridiculous—it is ridiculous—if you catch the point.

Now, if I may address my colleagues on the other side of the aisle. This kind of thing is extending and lengthening the war in Vietnam. In Vietnam, because the French had those people under subjugation for years, more than I care to count, the outlook is similar to some place in Europe. They tend to overemphasize the importance of the public demonstrations.

When people burn flags in the street, and when people riot in howling mobs in the street, and when people burn their draft cards in the street, it gives hope to the Hanoi government that this Government may fall.

I say to you, we can legislate against the draft-card burners—and I am the author of that act. I could not get certain people in the Department of Justice to help me on the bill so I had to write it myself and I am batting 500 percent. One court said it was constitutional and the other said it was not. But we will see who is right.

Let me say this to you. Let us pass this law today and make it unequivocal. The penalty is not strong enough. But, let us speak to these people in language they understand and that language is unequivocal and positive retribution as the reward for their dastardly and cowardly acts.

My friend, the gentleman from North Carolina [Mr. WHITENER] can talk to you about presumptive evidence, maliciousness, wantonness, and that sort of thing, and he can do so with a master's voice. On this he speaks for me. I yield to no one in my feelings or my knowledge as to what is presumptive maliciousness, and that is what this is.

I say to you that we send these boys to Vietnam and all over the world, and we have unilateral and bilateral treaties under which the President of the United States can pick up any draftee or enlistee and send him anywhere he pleases. We must protect him. You cannot chop off, cut the heart out of his motivation; you cannot defend the dedication of your fightingmen if you do not deal with these buzzards at home that are desecrating the very symbol of the ensign of your country.

Once a 17-year-old boy penned these words:

To those who top the white mists of morning
Those who sail before the world's awake
To gather up their foemen to them
And spurning the thin dawn's rest
Then weary folk might take
Those who left other mouths to tell their story
Of high blue battles
Those quite young limbs that bled
How they thundered up the clouds to glory
Or fallen on a foreign field stained red—

He asked this question—

Have these who make your fevered pulse run slowly
Whose stern remembered image cools your brow
To the far dawn of victory mean only earth's stillness and Valhalla's silence now.

—JOHN MCGEE.

This flag meant something to them. It means something to me. Let us make it mean something to those who would defile and destroy its image forever. Nothing is too strong for them. Let us pass this bill and get along with our business.

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SCHADEBERG].

Mr. SCHADEBERG. Mr. Chairman, I rise in support of this legislation.

I am not unaware of the fact that the mere passing of a bill and having that bill signed into law by the President does not and, indeed, cannot instill respect for country in those who desecrate our flag—symbol of our national home and of our national dream of peace through freedom. We cannot legislate respect for law; respect for parents; respect for justice; respect for decency nor respect for our Nation and its flag. Such respect must be instilled in the hearts of our people by teaching and example—teaching beginning in the home and reaching out through the church and the school and example on the part of parents, clergymen, teachers, officeholders and those to whom the institutions of our governmental authority are entrusted.

As I view our activities, what we are doing here today is merely trying to undo the damage caused by the shortsightedness, ignorance, indifference and callousness of generations past—generations which meant no harm to our country, and I say our country because this is their country as well as mine, but who lacked the vision to see beyond the horizon of their own limited worlds, their own lack of faith in God, their own selfish desire to be free to do as they pleased without regard to the guarantee to others to be able to continue to do as they desired. We are desperately trying to contain a social disease which we permitted to spread because that disease was not one which affected us personally at the time. This legislation is the salve we would place on an open sore. It is not the cure. This legislation does not go to the root of the trouble which has made necessary this legislation. It addresses itself only to the effect of the responsibility we have as citizens to instill respect for those symbols of our great hope. We can hope to achieve by this legislation

only to discourage outward acts of disrespect for our flag. Surely, we cannot be so naive that we actually believe that we can change what lies in the inner recesses of man's mind and heart.

Too often this House has acted on social legislation in the vain hope that we could legislate the means by which the ills of society could be cured only to discover after placing thousands on the Federal payroll and spending literally billions of dollars we have not only failed to solve the problems but actually created new and more difficult ones. We act as if money is the answer to the fulfillment of the dreams of men and women, not only here in our land but abroad as well, as if people only had their physical wants—not just needs but wants—satisfied, we would come to the blissful state of Utopia and all children would be smiling and all adults would find happiness.

I include at this point a fitting poem:

A FENCE OR AN AMBULANCE

"Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."

But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.

"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.

Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley.

"Oh, he's a fanatic," the others rejoined
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works in the valley?"

But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.

Mr. Chairman, we have been buying bureaucratic ambulances in increasing numbers, at increasing prices, to pick up the unfortunate victims of those who have fallen over the dangerous cliffs into the abyss of poverty and joblessness and disease and ignorance and war but we have failed to build the stout fences at the edge of the cliffs which could prevent them from falling, preferring, it seems, to enjoy the political glamour and business and vain appearances of doing something for the unfortunate victims, preferring to build the illusion that the good guys are in the white robes and white hats, and then we have the unmitigated gall, after our failure to prevent disaster visiting them, to hand them the bill not only for the ambulances but the hospital stay as well.

While this legislation has become necessary because of our neglect and delay in building the fences to prevent the disasterous damage that is being done to our national image, just as social legislation becomes necessary when we fail to build the necessary fences to prevent our citizens from falling into the chasm of economic and social chaos, I point to this fact: this must be only the beginning. We must retrace our steps and if we will undo some of the damage we have done in passing some of our unrealistic legislation and close the loopholes through which the Supreme Court by its expedient interpretations have brought many to this brink of disrespect and this Nation to the edge of violence and chaos, then, I am convinced, we will discover that in the due course of time legislation of this type will be unneeded.

We tore down the fence of reference to God in our schools, insisting that God belonged only in the temples and sanctuaries in our churches and the result has been an increasing disrespect for authority of any kind, and a breakdown in general morality. We have torn down the fence of the practice of pledging allegiance to the flag by discouraging the regular use of the pledge in the school classroom and we are reaping the harvest of broken loyalty.

We took down the fence of requiring loyalty oaths and then found ourselves bound by the recent decision by the Supreme Court to deny the board of school authorities the right to prevent Communists from teaching our children in schools, and now we must buy, not an ambulance but a paddy wagon to pick up those who slip over the cliff of treason and disloyalty to our country by desecrating our flag.

We removed the fence around the cliff of treason by permitting lawlessness to go unpunished because not individuals but society was responsible—but, ladies and gentlemen, not society but individuals desecrated the flag.

Some of our church leaders have insisted that it is the Christian's responsibility to obey only those laws he individually can accept and to disregard those laws he does not like, and those who are so taught are encouraged to do so out on the streets. There is room for an honest difference of opinion but our people, citizens of this Nation under God, ought not be on the streets demonstrating against their fellow men. They belong on their knees, praying to the God of love for their redemption. We should not be concentrating on the hatred of man against man but emphasizing the love of God for all.

This legislation, as the legislation which will follow, known as the antiriot legislation, is necessary because we have failed to build fences along the cliffs that hang over the valleys of treason and riotousness and have removed some of the traditional protective fences that have kept our citizens from tragedy.

We should pass the legislation—a necessary job to be done—but let us not leave undone the greater responsibility of building the fences that could prevent people from coming under the judgment of these laws.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I rise in support of the bill making it a Federal offense to desecrate the American flag. Its passage is essential. For years we had no serious problem in our Nation with incidents involving desecration of the flag. Americans showed their patriotism by upholding and protecting it and there were few of its detractors who were sufficiently bold to express themselves openly. Consequently, there was no Federal legislation designed to cope with the problem of desecration of the flag. Each of the States dealt with it in their own way. Now a strange new breed has arisen among us. They accept this Nation's blessings but scorn its traditions and conventions and they work, knowingly or unknowingly, for its destruction. They have found that they can gain an audience and a following by desecrating the flag. In the general softness toward crime and criminals which pervades our Nation, there are few local officials sufficiently bold and courageous to protest these actions. Therefore, most of us believe it necessary to enact a Federal law to deal with the problem. We have no guarantee that such a law will be upheld, but I am confident that the Department of Justice will recognize its responsibility to the Nation and its people in this field.

Throughout the course of history, empires, nations, and men have risen to power and then disappeared, to be remembered only in the dry pages of lengthy textbooks. Kings and tyrants, emperors and generals, have in the main made relatively little impact on the future of the world.

But then, in 1776, one small group of determined men declared their freedom from colonialism and tyranny, with a blow that was to alter forever the course of events. They began a struggle that would culminate in a nation founded on the principles of individual liberty, jus-

tice, and equality. The heritage they generated would result in the growth of the most powerful country and ideas on earth. In the 180 years that the United States of America has been in existence, its Government has constantly striven for peace, for self-determination, and for freedom.

All this history, all these ideals, are bound up in one unified symbol of our national spirit—the representation of our integrity, our heritage, our honor—the flag. That one small rectangle of cloth, proudly displayed from coast to coast, has come to be the emblem of this country. The American flag is a collection of symbols which are combined to illustrate our national goals, our pride in country, and the great price which has been paid for this great land.

It is because of the importance of the flag, because of the accomplishments and concepts for which it stands, that many of us have introduced bills in this session of Congress, to correct an unfortunate and disgraceful trend of events.

At the same time that millions of schoolchildren stand by their desks, with their hands over their hearts, and recite the pledge of allegiance, at the same time that this flag represents America in major cities all over the globe, and at the same time that American men are dying halfway round the world under that same flag, there are some few who think that they can defile and degrade all that America and our banner stand for. The men who are dying today in Vietnam, just as they died in Korea, Europe, and the Pacific areas in times past, are doing so because they understand that the red, white, and blue colors represent a land whose people enjoy more privileges and freedoms than any other people in the world. Persons who would desecrate our flag may challenge the belief that this is a free land, but let them try to prove that any other nation would have allowed them such latitude or suffered their insults for so long.

It is time for our Nation to declare that we are serious about our belief in freedom, and our defense against the forces of tyranny. To emphasize this, we should make desecration and destruction of our flag in the United States punishable by a prison term or fine, or both. Such stiffening of our resolve to protect the sanctity of our flag will make many irresponsible demonstrators pause and think about the full consequences of their actions. It will demonstrate our loyalty to the proud history and heritage that is ours.

Unless we take such action, we are relegating ourselves to a second-rate role on the field of honor. We shall be destroying the meaning of the pledge of allegiance, of the national anthem, and of the very flag itself. It will come to be no more than an object of ridicule and scorn, mockery and derision.

Mr. Chairman, we must insure that the flag seen flying so courageously over Fort McHenry by Francis Scott Key, the flag raised so proudly by a brave handful of marines on Iwo Jima, is the same flag that today adorns the flagpoles of thousands of patriotic Americans. I, therefore, strongly urge that my colleagues join me in unanimous support of this most important measure.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, I rise in support of H.R. 10480, which I had the privilege to coauthor, and I would like to take this opportunity to commend the gentleman from Colorado [Mr. ROGERS] and each member of the subcommittee for their thorough and expeditious consideration of this vitally needed legislation.

The people of America are dismayed and angry, Mr. Chairman—and rightfully so—when they see the symbol of their Nation being publicly burned, torn, spat upon, and trampled upon by irresponsible elements under the guise of "the right to dissent." Who would believe that in 1967 the Congress of the United States would find it necessary to pass legislation to protect the American flag from Americans? How many Americans who fought and died defending the Stars and Stripes would have believed that the day would come when some citizens would actually put a torch to the symbol of our Nation?

One of our most cherished rights, established by our Founding Fathers and guaranteed by the Constitution, is the right to disagree with any policy or official of our Government. But the right to dissent from particular policies or with particular individuals was never intended to sanction the mutilation or defiling of the very institutions of our Nation upon which all our freedoms rest. The right to protest is a part of our heritage, but the desecration of our flag represents a destruction of a symbol that belongs to all our citizens.

Mr. Chairman, the burning or other mutilating of our Nation's flag bears no resemblance to the right of dissent, and the legislation we are considering in no way infringes upon the exercise of free expression. Thus, in my opinion, those who argue that the passage of this legislation will represent an invasion on first amendment freedoms are mistaken.

Every freedom has a corresponding responsibility. Therefore, freedom of the press is not freedom to libel, and freedom to assemble is not freedom to riot.

Whenever good judgment is omitted in the exercise of freedom, it becomes license to abuse the freedom of others.

I am aware, of course, that all 50 States have some kind of statute prohibiting desecration of our national flag, but the range of penalties provided in these laws is wide. Consequently, they have been ineffective in preventing these acts. Our flag is a national symbol, and national legislation is needed to protect it.

Mr. Chairman, I am pleased to be a cosponsor of H.R. 10480, the measure we are considering today. This legislation deals only with the physical act of burning, defacing, mutilating or otherwise defiling the flag of the United States and makes either of these actions punishable by a year's imprisonment, a $1,000 fine, or both.

A great majority of the measures introduced contain language which would have punished those who "cast contempt, either by word or act" upon our flag, and I certainly agree with the purpose of this language. However, it is likely that a statute this broad would not be upheld by the present judiciary. There is, however, little doubt that the provisions of H.R. 10480 will meet a constitutional test.

Mr. Chairman, those who oppose this legislation would be wise to read carefully the Supreme Court decision in the case Adderly against Florida, in which the Court, rejecting a first amendment argument as a defense for a civil rights demonstration, stated:

> Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. That concept of constitutional law was vigorously and forthrightly rejected in two of the cases petitioners rely on * * *. We reject it again.

Mr. Chairman, the Stars and Stripes has been our flag since June 14, 1777. From that time it has been the symbol of our Nation, our freedoms, and our heritage. It reflects and represents all that the United States stands for. Those who desecrate our flag disgrace the Nation itself and make a grotesque mockery of the sacrifice of those Americans who have fought and died to build our free society and keep it free.

Mr. Chairman, I respectfully urge that the House give favorable consideration to this legislation which will punish those who willfully and maliciously desecrate the flag of the United States and thereby abuse the institutions and the symbol of American freedom.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. EDWARDS].

Mr. EDWARDS of Louisiana. Mr. Chairman, I offered a bill, H.R. 9472 on this same subject, and the only difference between my bill and the one under consideration was that mine provided for more severe penalties. However, I yield to the wisdom of the committee on the question of penalties. I urge the passage of this bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, a number of people have spoken at length here in support of this legislation this afternoon. I have only one thing to say about it. I am for it, and I do not see how anybody can be against it and still profess to be loyal Americans.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ECKHARDT].

Mr. ECKHARDT. Mr. Chairman, as the Attorney General stated in his letter to the chairman of the House Judiciary Committee, analyzing legal and constitutional aspects of this bill:

> The real tragedy when the flag is willfully burned is not the loss of the flag, but the fact that there are those among us, however few, who have so little love for

country or confidence in its purpose, or are otherwise so thoughtless and insensitive, that they want to burn the flag.

I agree that this is a sad situation and, if there is a reasonable and effective remedy, it should be undertaken. But as the Attorney General also said:

Our national strength depends on the strength of State and local governments and their devotion to the Union. We have survived the test of 179 years with ever-increasing strength. Each of the States, like the District of Columbia, has laws prescribing criminal penalties for desecration of the flag.

As he pointed out, we are a federal system, and until this time a general Federal law has not been found necessary.

Ideally, we would look to the States for effective enforcement of their laws against such local conduct.

Is Federal legislation, in a field in which all the States have legislated, a reasonable and effective remedy? I think not, for the following reasons:

To enact Federal laws means to enlarge the Federal police function.

It always surprises me that those who call themselves conservatives are so often willing to be stampeded into unprecedented Federal action, limiting individual freedom, so long as the object of the legislation is stated to be the preservation of orthodoxy. They "throw away tradition" to preserve "respect and ceremonious duty."

If the public burning of a flag or a cross or a Star of David is thought by a State legislature to be conducive to a breach of the peace, then this is a matter involving the police power of the State. The fact that the object is the U.S. flag, and not, say, the Confederate flag or an emblem of religion, does not make the act a Federal matter. The only justification for invoking the police power is to protect the peace—not to prevent a symbolic act because it is merely violently at variance with public opinion.

The only characteristically Federal aspect of the offense is in its symbolic nature. If the aspect of flag burning sought to be prohibited is symbolic, then the prohibition is a restraint upon freedom of speech and is in violation of the first amendment.

Words which are so inflammatory as to trigger violence are punishable for that reason, but they are not punishable because of their thought content, no matter how offensive. The same is true of acts which are symbolic, like the burning of the flag of the United States.

We are familiar in law with crimes against persons or against property. But "the crime against a symbol" is unknown to our law, and it always will be so long as the first amendment guides and curbs it. For instance, the iconoclast may not destroy the idol if it is the property of another, or if its public destruction will trigger a riot. But he cannot be prohibited because it is an idol.

Law is a very limited instrument to bring about good manners and wholesome sentiments; and, when applied toward this end, law frequently transforms an act of bad manners, bad taste and disrespect into a symbol of martyrdom. Nearly all of us 200 million Americans are against the bad taste and disrespect exemplified by flag burning and are therefore strongly opposed to the flag burners. But when their act is made illegal because of its symbolic aspect, many of us must rally to the defense of a constitutional principle and thus find ourselves supporting the right to express, even distastefully, an opinion which we abhor.

I do not think the mere handful with so little love for country or confidence in its purpose as to defile the flag is likely to grow to dangerous proportions.

Then as the Attorney General said:

Their conduct would be a matter of deepest concern which all history shows a statute cannot resolve.

But the error of associating those who defend the right of free expression with the expression itself is an error which can be fanned into a great flame. The history of the McCarthy era confirms this, and the point will be proved again today when many Members, who in their hearts oppose this legislation, will yet vote for it for fear of being branded friends of the flag burners.

I am not so timid nor so lacking in confidence in my country's claim to respect as to yield to this pressure.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, I just want to be recorded in favor of the bill. I expect to vote for it and I congratulate the committee on bringing out such a good bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I strongly urge the passage of the bill, H.R. 10480. I find it impossible to understand the reasoning of those who oppose the bill today.

The bill I authored, H.R. 9685, was a departure from the other bills introduced in that my bill amended the existing District of Columbia legislation. The purpose of my approach was to express the intent that our bill did not prevent any State, the District of Columbia, or any of our territories from exercising their jurisdiction in the field of flag desecration.

On May 17, 1967, I appeared before the Subcommittee No. 4 of the Committee on the Judiciary to testify in behalf of my bill, expressing the hope to pass a measure, which would be both practical and operative.

During those hearings, I tried to emphasize we were not seeking to do away with the right of dissent but that desecration of the flag is something beyond dissent. We pointed out our flag is the symbol of the entire Nation, and those who desecrate the flag are not merely engaging in dissent but injuring the entire Nation. Such a distinction from ordinary dissent was emphasized.

We discussed the proposal for a $1,000 fine and a 1-year term in jail rather than more exaggerated provisions of other bills because we hoped the measure could be effective, and hopefully, a prosecutor or a district attorney would file more charges for violation than they would with more severe and unreasonable penalties. We emphasized our bill would not encroach upon the rights of the States to enact additional or separate legislation.

Now, Mr. Chairman, there is almost no limit to the comment that could be made in support of this bill before us today. Here we are on Tuesday, 20th of June, nearly a week after June 14, the birthday of our flag. For some strange reason we could not pass this bill on Flag Day. When an effort was made to calendar this measure for June 14 some expressed the fear that the critics or opponents of this bill would use Flag Day as an occasion to speak out against the bill including its necessity and even its purpose.

Maybe there were good reasons for omitting to place this bill on the calendar for consideration on Flag Day. I do not know. But I for one deplore the decision which was made to postpone its consideration until today. Over this past weekend when I was in our congressional district, all our Kansas City television stations in their editorials and our principal newspapers on their editorial pages deplored our timidity to consider the flag desecration bill on Flag Day.

Now let us consider the important question of the need for a Federal statute prohibiting the desecration of our flag. In this regard, I am reminded of an incident related by the gentleman from Indiana [Mr. ROUDEBUSH], who told of a leftist agitator from Chicago who came to the campus of Purdue University at the invitation of a leftwing organization. After he had ripped our flag apart, spat on it, stomped on it, he left for Chicago and could not be extradited even though he would be subject to an Indiana misdemeanor charge. Similar incidents have occurred in all of our States. The passage of this bill would give our law enforcement officials throughout the Nation, basic universal standards to use in such incidents and extradition would not be a problem.

The gentleman from Indiana [Mr. ROUDEBUSH], a former national commander of VFW, is to be commended for his efforts in the 89th Congress as well as the 90th Congress. I was one of about 150 Members who signed the discharge petition last year when that bill was bottled up when the subcommittee to which it had been assigned repeatedly ignored requests for hearings. Although a majority of the House sympathized with that legislation, as always they were reluctant to use the discharge petition method to get the bill before the House.

We do have a grand old flag. It is so disheartening when some few see fit to paraphrase this expression and refer to it as a grand old rag. True it may be just several pieces of cloth sewed together. But when a thoughtful person sees our flag he sees it as the symbol of our Nation. Our flag stands for the Government, the principles, truths, and the history that belong to the Nation behind that flag. Our flag has always been a symbol of liberty, which Henry Ward Beecher beautifully described as—

The stars upon it are like the bright morning stars of God, and the stripes upon it are like the bright morning beams of light.

It is saddening and even sickening to hear some who protest against serving in the Armed Forces, who insist our flag is merely a piece of colored cloth and nothing else.

In the armed services of our country the flag never touches the ground. Military regulations for about 100 years have provided about the only law or regulations for display of the American flag. For the ordinary individual civilian, respect for the flag up until now has been a moral act of conscience rather than a legal obligation. Back in 1917 there was an enactment that made it unlawful to "desecrate, mutilate, or improperly use" the flag, but this was interpreted to apply to only the military, because in 1918 a similar act called for the dismissal of "any employee or official of the Government who criticizes violently or abuses the American flag." The bill we consider today will be a clear enactment that will prohibit the desecration of the flag by all, civilians as well as military personnel.

America's most gifted poets and orators have vied with each other in setting forth the significance of the red, white, and blue. Ours is no insignia of imperial authority, as has been true of the other nations of the world. Instead, our flag is the symbol of liberty and wherever it goes it carries the message of inspiration and hope to all mankind.

Why is it we pay such tribute and such honor to this piece of cloth we call our flag? It is because it is the emblem of our unity, our power, of the purposes of our Nation. A thoughtful man, when he looks at the Star-Spangled Banner, sees not only a flag but the Nation itself.

In reading the report, I note that in one of the separate views it is said that this measure "is a warning sign in the life of our Republic." I fully agree, but for reasons very different from the author of that statement of separate views. That member goes on to say that those who burn the flag are doing it in despair over this country's policies and because of their particular love of country which they feel is oppressed by these policies. The reaction of any responsible person to a statement of this kind should be expressed in such words as tommyrot, baloney, pure hogwash.

Elsewhere in the report it is noted that those who burn our flag will surely find other means to dramatize their opposition to Vietnam, the draft, and racial imbalance. Those who reach this conclusion are probably right. The Martin Luther King's and others who have tried to associate Vietnam with racial unrest will continue to press the use of any device to dramatize their protest.

Elsewhere among the separate views expressed in the report it is suggested the bill provides only empty rhetorical ammunition for the flag wavers. How can anyone say there is anything wrong or evil about the flag waving as long as it is done with respect and sincerity?

Then there are those who are concerned about the passage of this bill lest it will provide martyrdom for the flag burners. Martyrs? How can these dirty, unwashed, unshaven beatniks and peaceniks possibly ever become martyrs?

It has been frequently observed we are living today in strange and troubling times. I am not sure what is happening in our country. When I attended elementary school we marched upstairs each morning and again each day at noon to music produced by an old phonograph playing the "Washington Post March" and once in awhile the "El Capitan" march. Every morning we recited the Pledge of Allegiance to the flag. What a far cry it is from this day when Members of Congress suggest that a proposal to prohibit desecration of the flag is just an expression of war hysteria growing out of a state of emotion and that really this measure is both immaterial and irrelevant.

It would be most difficult to predict the number of Members that will oppose this bill, but I suppose there will be about the same number as have opposed the appropriations for Vietnam. In the congressional district it is my privilege to represent, a vote against a bill with the purpose to provide penalties for the desecration of our flag would leave a Member in such an untenable position as to make it futile for him to even file to succeed himself in office.

Every Congressman knows best the temper of his own congressional district, certainly better than anyone else. If those who oppose this measure today do so to display the courage of their convictions, we should all hope and pray that if such a course is condoned and forgiven by their constituents, there are few such areas in this country and many times more districts whose constituents would refuse their Member the right to retain his seat if he failed to wholeheartedly support a bill which has for its only purpose to prohibit the desecration of our flag.

Frequently the comic strips are referred to as funny papers. Far too infrequently is recognition given to the fact the men who draw these pictures are really editorialists of the first order. On last Wednesday, June 14, Flag Day, Harold Gray who illustrates "Little Orphan Annie" showed how some redblooded American citizens, not by birth but by naturalization, rose up in righteous indignation against some unwashed flag burners and proceeded to beat rather badly those engaged in so-called peace marches while claiming their right to dissent. These naturalized Americans as patriotic bystanders defended our Nation's flag against what they described as unclean vermin.

Then on the following day, Thursday, June 15, this same editorialist, Harold Gray pointed out how some of the red network of American newspapers will describe these beat-up beatniks as martyrs. From out of the mouth of one of his characters we hear the words, "How can good sheltered people still swallow that baloney?" This man, Gray, who is just as qualified to write editorials as any of those who write on the editorial page concludes by putting the punch line in the mouth of one of his characters, saying "I get nauseated by some of these eggheads trying to explain how patriotism is so stupid it is almost sinful." His companion answers by saying, "to prove patriotism is stupid is like proving motherhood is a felony."

As I observed earlier these are strange, troubling times. There are those who will always be ready to complain that anyone who has respect for the Star Spangled Banner is just a flag waver. Is it possible to wave the flag too much? No. Provided of course we wave it with integrity. Let us pray we will never develop a tendency to be timid or bashful or apologetic about waving the Stars and Stripes. The great events of our past and present are wrapped up in our flag. It is the symbol of this blessed Nation. That is what the flag should mean to all of us. When we wave the flag with integrity and sincerity, can we wave our flag too much? I do not think so. I believe we are not waving our flag enough, not nearly enough.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. EDWARDS], a member of the committee.

Mr. EDWARDS of California. Mr. Chairman, I am voting against this bill for two main reasons—because it is unconstitutional and because it is bad for our country.

Every lawyer knows that spoken words and the gestures that accompany them are protected from Government censorship by the first amendment to the Constitution.

And this protection includes symbolic communication such as picketing, parades, demonstrations, burnings in effigy of politicians, burning of the Constitution and—yes—burning of even more beloved national tokens.

Eleven law professors testified personally before the subcommittee or submitted statements or letters, and all agreed that the bill is unconstitutional as a violation of free speech. The distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], has stated publicly that the bill is unconstitutional.

Why is this bill necessary? There are already similar laws in each of the 50 States and the District of Columbia; and no evidence was introduced indicating laxity of enforcement.

If this bill passes, an individual could be punished in State court and later in Federal court for a single act—and it would not be in violation of the double jeopardy clause of the fifth amendment.

Where is the requirement for specific intent in this statute? Under this bill no specific contemptuous intent need be established at all, and a citizen could be found guilty even though he did not intend the consequences of his action.

My last point is that I suggest to my colleagues that they consider dispassionately whether or not the passage of this legislation is in our national interest.

I think it clear that arrests by the FBI and Federal prison sentences for the flag burners would not serve to increase respect for the flag. The opposite may be true and such punishment would only lead to an increase in the number of burnings by making martyrs of the burners as well as making the dissent more widespread and more bitter. In addition, I suggest that our national image as a nation where free speech is protected would not be improved when it is pointed out internationally that 7 months ago,

the Soviet Union amended its criminal code to include a statute much like the proposed legislation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from California for yielding.

I was wondering whether there was one Member of the House of Representatives who had the courage of his convictions, after thoroughly reading the majority report and minority views, to come to the floor of the House, in this kind of debate, and speak against this bill. I hear that there is one. Thank you, sir.

I wish to say to the gentleman, by his coming to the floor, at least to make sure that there is a semblance of a dialog on this very, very important question, the gentleman has risen to a higher patriotism. I join him in his views.

I will vote against this bill because I, too, believe it is unconstitutional, that it really will do more harm than good.

I only pray to God that as many who feel that this bill is both unwise public policy and unconstitutional, as at least one or two Members in this House do, will vote their own consciences. Frankly, due to the very political nature of this question, I doubt that any argumentation, any logic or any court decisions will affect how Members vote on this bill.

For myself I would like to state that my views on this matter were set forth in the minority views signed by myself and the gentleman from California [Mr. EDWARDS].

But I would like to have inserted in the RECORD of these proceedings various letters and editorials which I feel are quite pertinent. Many of the following statements were intended to be included in the record of the committee hearings, but unfortunately arrived after the record had been closed. However, hopefully this material might be helpful to Senators who might possibly stop this legislation in the other body. And if that fails, possibly the following material might be of assistance to historians who will therefore be able to say that some sectors of public opinion were not swept away by hysteria but instead remained true to the fundamentals of the first amendment and the American tradition of tolerance of dissent.

THE DEANS OF THE LAW SCHOOLS OF BOSTON COLLEGE AND RUTGERS UNIVERSITY OPPOSE H.R. 10480

Two distinguished deans of American law schools have written me regarding the flag desecration bill, H.R. 10480. Due to the eminence of their schools and their personal reputations as outstanding legal scholars, I would like to include in the RECORD the letters of both Father Robert F. Drinan, S.J., dean of the Boston College Law School, and Prof. Willard Heckel, dean of the Rutgers University Law School.

Both of these gentlemen endorsed the concise and cogent statement from Prof. Arthur Sutherland, Busey professor of law at Harvard University, which was received by the House Judiciary Committee in time to be included in the record of the hearings on this matter. Though Professor Sutherland's letter specifically mentions H.R. 271 and the other original versions of the flag desecration bill, since Professor Sutherland drafted his letter before H.R. 10480 was introduced, both Dean Drinan and Dean Heckel state their view that the Sutherland letter applies also to H.R. 10480. In order that their views on this matter be clear, I would also like to have the letter from Professor Sutherland printed in the RECORD at this point.

The letters follow:

BOSTON COLLEGE LAW SCHOOL,
Brighton, Mass., June 15, 1967.

Congressman JOHN CONYERS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am happy to extend to you permission to read my letter to Congressman Emanuel Celler of June 9, 1967 into the Congressional Record, or into the hearings conducted with regard to *H.R. 10480.*

I have the hope that our paths will bring us together once again in the very near future.

With every best wish,
Sincerely yours,
ROBERT F. DRINAN, S.J., *Dean.*

JUNE 9, 1967.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: I write to you to state my opposition to H.R. 271 which I understand will be brought up to the full membership of the House Judiciary Committee on Flag Day, June 14.

I endorse the sentiments of Professor Arthur Sutherland in the letter which he wrote to your distinguished self under date of May 31.

With every best wish,
Sincerely yours,
ROBERT F. DRINAN, *S.J., Dean.*

RUTGERS—THE STATE UNIVERSITY,
SCHOOL OF LAW,
Newark, N.J., June 9, 1967.

Hon. JOHN CONYERS, JR.,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to join, without reservation, in the point of view expressed to the Judiciary Committee by Professor Arthur E. Sutherland of the faculty of Harvard Law School, under date of May 31, 1967.

I cannot in any way improve upon the expression of a point of view set forth in Professor Sutherland's letter. Therefore I will not attempt to. I think he states the matter admirably. The House of Representatives must not enact this unwise law.

I believe these comments and Professor Sutherland's letter apply to all of the various bills considered by the Judiciary Committee, including H.R. 10480.

Sincerely yours,
WILLARD HECKEL, *Dean.*

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 31, 1967.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your courteous letter of 24 May inviting me to appear before the House Judiciary Committee on June 5 to present my views on HR 271 and companion measures to prohibit desecration of the national flag. I should be very glad to come, were it not for the inevitable pressures that bear on a professor in the first few days of June, requiring that I carefully read and grade a mass of examinations on which depend the graduation of a large number of anxious young men and women. May I instead of appearing personally, submit this letter for the record?

At the outset, I must make clear my own dismay and resentment when I hear of flag-burning or other disrespect for the flag, performed as a gesture of dissent from national policy. The flag symbolizes the constitutional system under which the United States exists. "American democracy is founded on debate", as General Westmoreland reminded the Associated Press meeting in New York last April 24. I deplore destruction of a national symbol to demonstrate protest against a governmental decision; but I recognize that tolerance of dissent, tolerance even of irrational dissent, tolerance which the First Amendment exemplifies, is a sign of our constitutional strength. That tolerance is a convincing demonstration of our confidence in the rightness of our constitutional theory.

I doubt the constitutionality of the legislation now under consideration, and in any event I consider its enactment unwise as a matter of policy. The Congress, by Title 36 U.S. Code § 176 has carefully warned against the use of the flag for any utilitarian purpose, and has prescribed that when "it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning." Today's "flag burnings" take on their only significance by their quality of protest at a national policy with which the protesters disagree. Protest, even ill-tempered and indecorous protest, is constitutionally privileged.

Two recent decisions involving draft-card burning are here suggestive. One of these, decided October 13, 1966, by the Court of Appeals for the Second Circuit, is *United States* v. *Miller* 367 Fed. 2d 72; the Supreme Court denied certiorari on February 13, 1967. The other, *O'Brien* v. *United States,* decided on April 10, 1967, is thus far unreported in the Federal Second reports. Accordingly I have attached to this letter a photocopy of the opinion. Both opinions stress the administrative function served by a draft-card. Both acknowledge the constitutional privilege of symbolic protest. Both hold that failure to carry a draft-card is a punishable offense. The words of Chief Judge Aldrich in *O'Brien* are peculiarly relevant:

"It has long been beyond doubt that symbolic action may be protected speech. [citing the *Barnette* and *Stromberg* cases] Speech, is, of course, subject to necessary regulation in the legitimate interests of the community *Kovacs* v. *Cooper, infra,* but statutes that go beyond the protection of those interests to suppress expressions of dissent are insupportable. E.g. *Cantwell* v. *Connecticut,* 1940, 310 U.S. 296, 307–11; *DeJonge* v. *Oregon,* 1937, 299, U.S. 353 *Terminiello* v. *Chicago,* 1949, 337 U.S. 1. We so find this one."

Secondly, I think that passage of H.R. 271 or one of its companion measures would accomplish no effective legislative purpose. Prison sentences and fines for the flag-burners would not increase respect for the flag; among their adherents such punishments would only increase the effect of the burnings by making martyrs of the burners. And in certain foreign countries we would open ourselves to propaganda that dissent about our present military policy had become so serious that we had been forced to suppress it by imposing prison sentences on the dissenters. I respectfully urge that this legislation be not passed.

Perhaps you will indulge me in what is probably irrelevant. Yesterday was Memorial Day and at my house the flag was on its staff from sunrise to sunset.

Sincerely yours,
ARTHUR E. SUTHERLAND.

LAW PROFESSORS OPPOSED TO H.R. 10480

Many distinguished scholars of the law have written me regarding the flag desecration bill. They were all united in their opposition to H.R. 10480 as both

unwise public policy and unconstitutional.

Due to the eminence and scholarship of these law professors I would like to include their letters at this point in the CONGRESSIONAL RECORD. I think that my colleagues will find the letters informative.

The letters follow:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., June 14, 1967.

Hon. JOHN CONYERS, Jr.,
House Judiciary Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CONYERS: I write to urge your opposition to H.R. 10,480, the so-called "flag-burning" bill.

In my judgment this bill is doubly unconstitutional: it is too vague to define the offense with the particularity required by the due process clause and, more importantly, it abridges rights of free expression guaranteed by the First Amendment. Those rights may be abridged only in the face of a clear and present danger. There is no such danger here and the bill obviously is not inspired by any danger, but by indignation and a corresponding need for emotional release on the part of its sponsors. It is precisely this sort of emotional frenzy which the First Amendment was designed to protect against.

Sincerely yours,

VERN COUNTRYMAN,
Professor of Law.

NEW YORK UNIVERSITY SCHOOL OF LAW,
New York, N.Y. June 12, 1967.

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I have learned that a Subcommittee of the Judiciary Committee recently voted to support H.R. 10480, a bill to prohibit desecration of the flag. I have studied the bill with some care, and while I understand the sentiments that may have led some members to support it, I urge you to use your influence to defeat the measure.

The bill, in my judgment, is in violation of the First Amendment, because its main—and perhaps only—purpose is to punish individuals for the use of the flag to express their views of the Vietnam War or other aspect of our public policy. While we may sharply disagree with these individuals, and certainly find this means of expression to be odious, it is plain that the Constitution does not favor any particular attitude or any particular mode of making attitudes public. Particularly in light of the recent opinion of Judge Aldrich in O'Brien v. United States, does it seem that H.R. 10480 is invalid.

Apart from the constitutional point, does anyone really think that respect for the flag or the country will be enhanced by a bill of this sort? As many Justices of the Supreme Court, as well as many wise commentators, have said time and again, nations like individuals must earn respect, and nothing loses it so fast as panicky or punitive measures. Nothing will be gained, and much in terms of the dignity and sobriety of the nation could be lost, if H.R. 10480 becomes law.

Sincerely,

NORMAN DORSEN,
Professor of Law.

DUKE UNIVERSITY SCHOOL OF LAW,
Durham, N.C., June 7, 1967.

Hon. JOHN CONYERS, Jr.,
House Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: I am writing to submit my views on the various bills "to prohibit desecration of the flag," currently under consideration by the House Judiciary Committee. It is my understanding that the version of these bills most likely to receive serious consideration is H.R. 10480, and I shall accordingly direct my remarks to this version:

"Whoever casts contempt upon any flag, standard, colors or ensign of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it, shall be punished by imprisonment of not more than one year, a fine of not more than $1,000, or both."

In measuring the political wisdom and constitutionality of this bill, it would be disingenuous to ignore its plain purposes and intended effects. The bill (and its seventy-or-more counterparts) was introduced in this session following a number of incidents in which representations of the flags were suspended upside down, hung in effigy, torn, burned or otherwise disfigured. In most if not all of these incidents, it was clear that those immediately involved were attempting, however ineffectually, to dramatize some grievance they felt against one or another national policy.

Many regard these dramatizations as treasonable. Many others, while they would not necessarily wish to stifle dissent, are so deeply offended by such uses of the flag that they would forbid these uses even as a means of expressing dissent—perhaps on the thought that disfigurement of the flag is neither an essential nor appropriate manner of free political debate. And it may well be true, of course, that those engaged in dramatizing their opinions by offensive uses of the flag often succeed only in undermining the success of their own cause.

None of this, however, detracts from the fact that the use of symbolic representations, including flags, is a graphic means of communicating ideas whose expression may be protected by the First Amendment. One need not assert that all possible uses of a flag are expressive of political comment to acknowledge that in a given context, certain uses are intended and readily recognized to be a dramatization of political criticism. Nor can we avoid the fact that the proposed bill will necessarily forbid such uses without exception. Under the bill, it makes no difference whether the flag in question is merely a flag facsimile or representation fashioned and owned by the person using it and not at all the property of the government. Equally, it makes no difference whether such a facsimile is used on private property, in an otherwise peaceful and orderly assembly, before a wholly voluntary group.

It is clear, I think, that the bill cannot be rationalized as a protection of federal property because it is not so restricted in fact and because the malicious destruction of federal property is already a federal crime. It is also clear that the bill cannot be rationalized as a protection against public disturbances because it is not so restricted and because conduct likely to produce such disturbances is already closely regulated by the multitude of ordinary state laws respecting breach of the peace, obstructing public passageways, malicious mischief, trespass, etc. Since every state already has nearly identical legislation regulating permissible uses of the flag itself and since no state has shown itself to be unable to enforce its laws in this regard, moreover, I cannot think that this duplicative bill can serve any purpose other than to threaten multiple punishment against those who will not conform to a standard of reverent use. Its most probable application must surely be against those whose use is graphically expressive of political criticism.

Given these several considerations, the bill raises numerous constitutional questions. The physical use of symbols including flags, as a mode of political expression, has already been recognized as being entitled to protection under the First Amendment. *Stromberg* v. *California*, 283 U.S. 359 (1931). In *Stromberg*, the display of a red flag as a peaceful expression of opposition to organized government was held to be constitutionally protected and a state law punishing such a use was held to be unconstitutional for its overbreadth. Presumably, another person seeking to register his disagreement with the symbolism of a red flag would be equally entitled to maintain a counterdisplay which might, for instance, include a picture of such a flag shrouding a cemetery dotted with crosses of the dead. I cannot see, in principle, how the result could be different if the flag in question were a representation of our own flag insofar as each may equally involve the same degree of political expression. As Mr. Justice Jackson stated in *West Virginia Board of Education* v. *Barnett*, 319 U.S. 624, 641 (1943):

"The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization."

The *Barnette* case held, incidentally, that a state law which coerced obeisance to the American flag violated the First Amendment.

It may be thought that disfiguring uses of the American flag may uniformly be forbidden, however, due to the very special offense which such provocative conduct presents to the sensitivities of others who regard that flag with solemn reverence. But while highly provocative conduct may sometimes be forbidden (*Chaplinsky* v. *New Hampshire*, 315 U.S. 568 (1942)), government may not in general forbid even caustic modes of expression merely to relieve the feelings or to avoid the possible violence of those offended by such expression. This is especially true where the expression is clearly in the context of political polemics and political criticism where the First Amendment provides maximum protection. *Cox* v. *Louisiana*, 379 U.S. 536, 550–552 (1965); *Watson* v. *Memphis*, 373 U.S. 526, 535 (1964); *New York Times* v. *Sullivan*, 376 U.S. 254 (1964); *Edwards* v. *South Carolina*, 272 U.S. 229, 236 (1962); *Cooper* v. *Aaron*, 358 U.S. 1, 16 (1958); *Kunz* v. *New York*, 340 U.S. 290 (1951); *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Buchanan* v. *Warley*, 245 U.S. 60, 81 (1917). As the Court declared in *Terminiello* (id. at 4–5):

"Accordingly, a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech . . . is . . . protected against censorship or punishment. . . . There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups."

There is, moreover, a unique question which might arise from the fact that an Act of Congress forbidding "desecration" of the flag may necessarily imply that Congress seeks to consecrate state symbols, to sanctify current emblems of government, and thus to give some hallowed religious quality to government itself. While the technical question is doubtless largely academic, one might question whether such an effort is consistent with the spirit of that part of the First Amendment which forbids Congress to enact laws respecting an establishment of religion. One might well suppose that an

attempt by Congress to apotheosize the State itself through the sanctification of its emblems is a degree worse than a state established religion; it is, rather, to establish the state itself as a religion.

A third issue arises from the fact that the proposed bill duplicates existing state laws already applicable to the same subject matter and the same conduct. The bill thus threatens to place individuals in jeopardy a second time, for a second punishment, for a single act. While the Supreme Court has thus far never invalidated overlapping state and federal criminal laws under the double jeopardy clause of the Fifth Amendment and the due process clause of the Fourteenth Amendment (*Bartkus* v. *Illinois*, 359 U.S. 121 (1959)), this bill would surely tempt a reconsideration of the issue. Three Justices of the present Court have already rejected the "dual sovereignty" interpretation which has thus far spared overlapping state and federal statutes from successful attack on a principle of no double jeopardy and several other Justices have had no occasion to state their own positions. In those cases where the dual sovereignty principle has been applied, moreover, there have existed different interests to be protected by the state and federal statutes and in each case the statutes differed to the extent of embracing at least one material element not embraced in the other statute. Neither of these observations is true of the proposed flag desecration bill. Even assuming that the bill may technically be free of a double jeopardy objection, however, I am unable to appreciate the political wisdom of a redundant federal statute so clearly incompatible with the spirit of the double jeopardy clause. I should suppose that Congress, if it cannot altogether restrain its hand, would at least expressly provide that this bill shall pre-empt the states and establish a single, uniform, national rule respecting permissible uses of the flag.

By way of professional opinion, I should say finally that the constitutionality of the bill will thus depend upon the particular context of its application in a given case, the interpretation the Court might render of its provisions, and the line of precedent properly within its discretion to apply. It is always possible, of course, that the Court might uphold the statute simply by insisting that disfiguring uses of the flag are not at all protected by the First Amendment. See *Chaplinsky* v. *New Hampshire*, 315 U.S. 568 (1942); *Beauharnais* v. *Illinois*, 343 U.S. 250 (1952); *Roth* v. *United States*, 354 U.S. 476 (1957); *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942). As the Attorney General correctly acknowledged in his letter to you of May 8, 1967, however, the case of *Halter* v. *Nebraska*, 205 U.S. 34 (1907) does not confirm such a view since that case did not involve flag disfigurement as part of peaceful political protest and since no issue whatever was raised or considered under the First Amendment. And for the reasons I have outlined previously, I believe that this bill is of doubtful constitutionality.

Whatever its constitutionality and whatever its good intention, however, I believe that the proposed bill may dishonor the flag and therefore ought not be adopted. The American flag has had great symbolic value ever since it was first described by resolution of the Continental Congress one hundred and ninety years ago. Through most of our history, the flag has proclaimed a message of particular hope and high aspiration. In the words of Francis Scott Key, it is synonymous with "the land of the free and the home of the brave." It has bannered an enduring political experiment so powerful in its magnetism that it still acts upon people to leave their unfree native lands to secure its blessings, as we have recently seen again in the significant arrival of Svetlana Alleluyeva, the daughter of Joseph Stalin.

Not the least genuine test of the flag's significance is the fact that its commitment to freedom has even extended to abuses of the flag itself. It is, I think, the greatest tribute to the symbolic majesty of our flag that even its own disfigurement and use in political protest has never been a federal crime and that its central message of political freedom has thus been honored by Congress throughout the two centuries of the flag's own history. It is significant, that it, that free speech in the United States has embraced symbolic protest involving the flag itself, that men have been free to dramatize their grievances and to register their despair with particular policies by employing the flag itself for purposes of dissent. We have not, until now, involved ourselves in the paradox of punishing and imprisoning those who have merely taken literally the proposition that the political freedom proclaimed by the flag admits of *no* exceptions. We would do well to remember in this regard that our own Supreme Court has recognized the heavy irony involved in the action of a state which sought to promote respect for a flag manifesting freedom by coercing a salute of allegiance and by expelling from school those who would not conform. In striking down West Virginia's compulsory flag salute regime, Mr. Justice Jackson noted:

"National unity as an end which officials may foster by persuasion and example is not in question. The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement.

"Struggles to coerce uniformity of sentiment in supoprt of some end thought essential to their time and country have been waged by many good as well as by evil men. Nationalism is a relatively recent phenomenon but at other times and places the ends have been racial or territorial security, support of a dynasty or regime, and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. . . . Those who begin coercive elimination of dissent soon find themselves exterminating dissenters.

"It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings."

The acid test of what the flag truly means is surely to be found in the liberty it allows in its own case. So long as Congress will do as Congress has done in the past one hundred and ninety years of the flag's history and not attempt to make it a criminal offense to utilize the flag itself for purposes of political dissent, Congress itself will have provided the clearest and most complete answer to those who would claim that speech is no longer free in the United States. Should Congress armor plate the flag and plaster it about with threats of fines and imprisonment, however, it may confess by its deeds that those who claim that the flag does not stand for freedom may, after all, be right. Could there be a greater irony than that Congress would see itself as consecrating the flag by such a means, when history would know that Congress had, instead, desecrated its message?

I cannot help but wonder whether history will judge this Congress, should it not reject this bill, more kindly than history has judged earlier efforts to subjugate despised forms of political dissent in times of national anxiety. One of our first departures of such a kind was the Sedition Act of 1798, a law enacted in haste, employed to jail political dissenters, and then repented of in shame. In writing Mrs. Adams to explain why he had pardoned all those jailed under the Sedition Act, President Jefferson said (4 Jefferson's Works 555, 556 [Washington ed.]):

"I discharged every person under punishment or prosecution under the sedition law, because I considered, and now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image."

In this regard, Thomas Jefferson acted in a manner entirely consistent with his own First Inaugural Address:

"If there be any among us who would wish to dissolve the Union or change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

Again, in 1917, Congress struck at political dissent through the Federal Espionage Act which was employed in more than two thousand prosecutions. In retrospect, it became clear that "the persons punished were for the most part unimportant and comparatively harmless," and that "the suppressions of one period are condemned a generation afterwards—or much sooner—as unnecessary, unwise, and cruel." Chafee, "Free Speech in the United States," 513–16 (2d ed., 1941). Indeed, application of that Act provoked the following dissent by Mr. Justice Holmes, and the dissent ultimately prevailed in the Supreme Court during the thirties when numerous anti-sedition laws were invalidated under the First Amendment:

"When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution." *Abrams v. United States*, 250 U.S. 616, 630 (1919).

We are now engaged on several fronts, sacrificing the lives of our young in behalf of a principle. While there are great differences among us respecting the wisdom of our foreign commitments, there should be no differences respecting the principle we mean to maintain. In this regard, some of our soldiers have manifested a breadth of mind and spirit of liberty which we would dishonor by the bill currently under consideration. For as one of them wrote so recently (Time Magazine, p. 5, May 26, 1967):

"We soldiers realize that dissent may be lengthening the war, or at least reducing any inclination the North Vietnamese might have to negotiate. But Congressmen . . . and others who try to stifle dissent, are seeking to destroy one of the very freedoms we're defending. We'd rather [have] the abuse [of] these freedoms than have our Congressmen limit and destroy them."

There is nothing I could say which would more clearly state the issue.

Respectfully,

WILLIAM W. VAN ALSTYNE,
Professor of Law.

SUMMARY STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION REGARDING H.R. 10480

The testimony of the American Civil Liberties Union during the hearings on the various flag desecration bills was certainly one of the most cogent, scholarly, and sensible presentations that was received.

Recently the director of the Washington office of the ACLU, Mr. Lawrence Speiser, sent a letter to many Members of the House in which he not only summarized the legal questions involved, but also presented what I think is a very reasonable, sensible, and persuasive presentation of all the various reasons why the House of Representatives should not

pass H.R. 10480. Because of the quality of the letter and its summation of all the various arguments I would like to have this statement included in the RECORD:

WASHINGTON OFFICE,
AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., June 9, 1967.

DEAR CONGRESSMAN: I am writing to urge you to oppose H.R. 10480, a bill to prohibit desecration of the flag. This bill is, of course, a direct reaction to a few recent widely publicized incidents of flag burnings by those who are opposed to American involvement in Vietnam.

We recognize that a great number of persons support this legislation who have the deepest respect for and belief in the right of dissent. In their view this legislation would not have the effect of suppressing or inhibiting legitimate dissent. They feel the very offensive conduct of flag desecration is no more entitled to the protection of the First Amendment than obscene behavior. It is to those who hold this view that this letter is directed.

This bill has been revised from an earlier version, so that mere words are no longer punishable, but these changes do not cure the bill's fundamental First Amendment infirmity, nor enable it yet to meet constitutional standards for a criminal statute. It may, at first blush, seem anomalous to argue that some *conduct* may come under the protection of the First Amendment, which guarantees freedom of speech. Yet that proposition is true. Even the Attorney General, in his letter on this proposed legislation, stated in criticizing the original language, "such language reaches towards *conduct* which may be protected by First Amendment guarantees".

The courts have made clear that symbolic forms of expression, no less than conventional speech, are the concern of the First. *O'Brien* v. *United States* (1st Cir. No. 6813, April 10, 1967), slip opinion p. 4. The burning of a flag in the context of an anti-Vietnam demonstration is no less a symbolic form of expression than picketing, *Carlson* v. *California*, 310 U.S. 106 (1940), or civil rights demonstrations, *Brown* v. *Louisiana*, 383 U.S. 131, 141, 142 (1966), or waving a red flag, *Stromberg* v. *California*, 283 U.S. 359, all of which have been granted First Amendment protection by the courts.

Flag burning is deeply offensive to most Americans, but that is not a sufficient basis to make it criminal. Much verbal dissent is likewise deeply offensive, but it was precisely to protect such dissent from suppression by the majority that the First Amendment was adopted. The constitutional argument on this point has been made in depth, both in the testimony of the ACLU and others before the Subcommittee on the Judiciary and in the notable dissenting views expressed by Congressmen Conyers and Edwards in opposition to this bill.

Furthermore, not only would this bill affirmatively injure First Amendment values, it would not succeed in significantly reducing this offensive conduct, which now involves only a handful of persons out of 200 million, according to Attorney General Clark. In fact, by creating martyrs, it might increase the incidence of such activity.

The bill provides that "whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon the flag", is guilty of a criminal offense punishable by up to a year in prison and a fine up to $1,000, without regard to whether the actor specifically intended by his conduct to cast contempt upon the flag. A proposed amendment to require such specific intent was defeated in committee.

Thus, the possibility of offering an effective defense for his conduct is denied the flag burner. Perhaps his purpose was far from seeking to "cast contempt" on the flag, but rather to dramatically exhort the nation to reaffirm the values for which the flag stands and which he believes are being distorted. Or, since the bill is not restricted to flags alone, but also encompasses "pictures and representations", his intent may be to vent his spleen on a magazine, or publication that displayed a picture of a flag on the cover. The lack of preciseness of meaning of the words "casts contempt upon" and "defile", presents further problems, and adds other ingredients of dubious constitutionality.

Finally, a Federal statute is not necessary. Each state, and the District of Columbia, has a criminal flag desecration law. Attorney General Clark has said that "without a national police force, which no one wants, Federal officials cannot, however, effectively prevent the commission of the crime in many situations where only local police are available in adequate numbers".

We have survived 175 years without enacting a general federal measure of this kind. To enact one now would only confess to ourselves and to the world our fear and our lack of confidence in the vitality of the flag and the deeper meanings of the nation which justify our love and respect.

Sincerely yours,

LAWRENCE SPEISER, *Director.*

NEWSPAPER AND MAGAZINE EDITORIALS AGAINST H.R. 10480

Both the New York Times and the Washington Post have written editorials against the so-called flag desecration bills. Also the Nation magazine has published a very informative article regarding this matter.

Because all of these statements so concisely and accurately summarize the arguments against this bill and also describe the political factors involved, I think that they should be made part of the RECORD of the House of Representatives' consideration of this matter.

The material follows:

[From the Washington (D.C.) Post, May 10, 1967]

RESPECT FOR THE FLAG

The American flag is an emblem of the United States. As such, of course, it deserves respect, and any misuse or desecration of it is properly and understandably offensive to Americans. But respect for the flag means respect for the great values of which it is emblematic. It represents a nation which, in its fundamental charter, recognizes dissent from prevailing opinion as vital to the general welfare, which fosters diversity and individuality as socially desirable and which guarantees freedom for the expression even of opinions which a majority abhors.

Some of the recent clamor in the House of Representatives for protection of the flag by legislation seems grossly ignorant of these values. Congressmen who urge their countrymen to "forget the First Amendment" or who talk wildly about firing squads for flag-burners or who propose to make verbal contempt for the flag a Federal crime do greater violence to the flag of the United States and to its meaning than the worst of the boorish oafs who fancy that setting fire to a flag is a meaningful form of protest.

Every one of the 50 American states and the District of Columbia now has a law forbidding such behavior. There is not the slightest need for Federal legislation invading the jurisdiction of the states in this connection. And in point of fact the Federal Government has no facilities for enforcing such legislation. Let's not inflate a nuisance into a menace.

Flag burning is a silly and ineffectual gesture on the level of hanging someone in effigy. The person hung in effigy may be annoyed but is unlikely to be injured. But the United States can be gravely endangered by official outbursts of hysterical "patriotism" aimed at odious opinions—or at odious expressions of opinions. The country's temperature is already feverish. Genuine patriotism will aim at cooling it down, not at heating it up.

[From the Washington (D.C.) Post, June 8, 1967]

LONG MAY IT WAVE

Fervor for the flag of the United States need hardly entail contempt for the Constitution. Both are symbols of the United States—of its majesty and of its freedom. And there need be no incompatibility about respect for both of them. But the legislation to punish defilement of the flag just approved by a House Judiciary subcommittee would protect a physical piece of cloth while ignoring the real meaning of the Republic for which it stands.

Burning or otherwise desecrating the flag is an especially odious and offensive way of expressing contempt for the country. It really ought not be blown up into more than that. To treat it seriously is to mistake its meaning and to dignify what amounts essentially to buffoonery.

Burning an American flag obviously and understandably incenses most Americans. It may reasonably, therefore, be treated, when it is done in public, as a form of disorderly conduct punishable as a misdemeanor. Every state of the Union has legislation dealing with it in this way—ample legislation. There is no sense in making a Federal case out of something which in no way affects the interest or security of the Federal Government.

[From the New York Times, June 15, 1967]

PROTECTING THE FLAG

The House Judiciary Committee has reported a bill making it a felony under Federal law for anyone to "cast contempt" upon the flag by publicly mutilating, burning, defiling or trampling it. Representative Celler of New York, the committee chairman, who has resisted this measure for more than two years, finally allowed it to be reported out because of strong pressure from the House Rules Committee. Even though he acknowledges that this bill is wholly unnecessary and probably unconstitutional, Mr. Celler did not oppose it: "Who can vote against something like this?" he asked. "It's like motherhood."

The bill is unnecessary because every state in the Union already has a statute making it at least a misdemeanor to misuse the flag. It is probably unconstitutional because it does not require that a specific intent to cast contempt on the flag be proved in court. Moreover, it wanders along the boundaries of, and may actually invade, the sanctuary of free speech protected by the First Amendment.

In its original version the bill made words as well as deeds punishable. Since that would clearly have been unconstitutional, the Judiciary Committee struck the reference to words. But the language of the bill remains uncertain. What does it mean to "defile" the flag? If defined as sullying or dishonoring the flag, this term could be construed as covering speech. Artistic "representations" of the flag are also specified in the bill, which thereby infringes the freedom of the artist.

Some sponsors of the pending bill have acknowledged that their purpose is to repress protests against the war in Vietnam. Such an act of intimidation would itself dishonor the flag. The flag is a symbol of freedom, not of herdlike conformity. Like motherhood, it is so deserving of genuine respect that empty mouthings and legal compulsions are out of place.

[From the Nation, June 19, 1967]

THE FLAG BURNING IRRITANT

As several distinguished law professors testified before a House Judiciary Subcommittee early this month, flag burning is a statement of dissent, and any attempt to suppress the activity is a violation of the First Amendment's protection of free speech.

The anti-flag-burning legislation now passing through Congress (it would send to prison for a year anyone who "casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it") is in reality a measure to stifle opposition to a particular war. If there was ever any doubt about that, it was blown away by an exchange between Congressman Byron Rogers of Colorado, chief sponsor of the bill, and Prof. Monroe H. Freedman of the George Washington University School of Law.

Freedman asked what national interest could justify the legislation.

"Representative ROGERS. There is such a thing as a little war going on in Vietnam, and I understand there has been a lot of shooting going on out in Israel this morning. Don't we have a national interest in that? . . .

Mr. FREEDMAN. The national interest in proscribing flag burning relates to the war and protest against the war?

Rep. ROGERS. Yes, it does.

Mr. FREEDMAN. So that contempt to the flag is equated with protest against the war and protest against the war is equated with burning the flag with an intent to have contempt."

In another exchange Rogers argued that the President and Congress have the duty to put down such dissent and thereby "hold together the nation in time of peril." It is the dull, dangerous theory of victory through consensus for which the White House is now infamous.

An equally clear acknowledgment that the legislation is aimed at satisfying a political majority at the expense of constitutional guarantees came from Rep. Robert McClory, who replied, when asked by Prof. Herbert Reid of Howard University, what clear and present danger to the Republic calls for such actions: "We are getting thousands of letters from people, even servicemen, about these flag burnings. Doesn't that call for action?"

Reid, a Negro, coolly noted: "I think that Congress is as powerless to reach [the irritant of flag burning] as it is to reach the Klan which met yesterday in Atlanta under the symbol of the American flag and called for a bloodbath. As disastrous as that speech is, it is protected by the Constitution."

A few similarly cool voices are to be heard within Congress, but in the main it is beginning to sound like a convention of flag wavers. Rep. John Conyers of Detroit has led the defense of the First Amendment freedoms within the subcommittee, and he was joined by the old reliables, Don Edwards of California and Robert Kastenmeier of Wisconsin, in the full Judiciary Committee. They lost, of course, just as the constitutionalists will lose to the jingoists in both houses of Congress. But as long as many of the younger Congressmen who publicly support the bill admit privately their unease—as they are doing—there is at least hope that the nation is not quite ready to move on to the hysteria of total war.

LETTERS FROM ALL OVER THE UNITED STATES IN OPPOSITION TO H.R. 10480

Many individual American citizens have written me regarding H.R. 10480 to express their opposition to the measure and its predecessors. Though, to my knowledge, none of these individuals are lawyers, all of the letters demonstrate an excellent understanding of the constitutional and legal questions involved in this matter. Further the plain good commonsense expressed in these letters is something I would like to commend to my colleagues, and would therefore like to have these letters included in the RECORD:

DETROIT, MICH.
June 19, 1967.

DEAR REPRESENTATIVE CONYERS: As voters in your district we want you to know that we approve of your stand against the absurd flag-burning law.

Please note the stamp on this letter is a representation of an American flag which the Post Office has probably defaced by canceling, contrary to the proposed law. Furthermore, according to laws in every state and the proposed law, it is illegal to burn or destroy this stamp! (Go ahead, we won't tell.)

RONALD G. MOSIER.
MARILYN MOSIER.

SAN FRANCISCO, CALIF.
June 12, 1967.

DEAR REPRESENTATIVE CONYERS: Congratulations on your stand against the flag-burning law. As the possibilities raised by the passage of this type of law are frightening, I hope that you will not stop your efforts now.

Jingoism has come and gone throughout our history, and we are still a very free and tolerant nation. But without courageous men such as yourself, often standing alone against hysteria, we might not have been so fortunate.

If I may help you in any way, I will do so gladly.

Sincerely,

ALFRED H. MALESON.

SAN DIEGO, CALIF.,
June 6, 1967.

Representative JOHN CONYERS,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONYERS: I want to thank you for your expression against a law with a penalty for *flag defacing.*

The proposal seems indeed like the pointless treating of a symptom when we must always be trying with all our resources to make our country even more truly the land of opportunity and freedom.

It is also frightening to hear people talk so lightly of abridging freedom of expression.

We should try to see that all are treated in the United States so that love of our country is written on the tablets of their hearts.

With many thanks for your efforts in the Congress,

MARCIA POWER.

ARLINGTON, VA.,
May 11, 1967.

DEAR REPRESENTATIVE CONYERS: I'd just like to put in my two cents about all the hulla-baloo being raised about the flag burning business. More and more people seem to think that you can regulate society by a system of rigid laws—it is amazing to find all the "patriotic" societies and people who advocate this. Having been behind the iron curtain I find that this rigid set of laws being enforced by a heavy handed state is *all* there is to Communism. If the emotionalists have their ways we will soon all be in the same boat, no matter what you want to call it.

The draft card burning bit is just the same. Why can't one just give such a person a new card. What's the problem? I think the flag burning business should be set aside and left to rest for a while. If one has to legislate patriotism like a speed limit, then it is indeed a poor thing in itself!

RONALD J. WILLIS.

Mr. EDWARDS of California. I thank the gentleman.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROSENTHAL. What I should like to say to the gentleman and to my other colleagues is that what disturbs me more than anything else, putting aside the constitutional issue for a moment, is, because a couple of kids in Central Park engaged in what seems to me a rather stupid act, the whole foundation of this Nation is shaking to the point that we are spending an entire afternoon enacting a bill of this type.

This bill may or may not be constitutional. I would not be presumptuous enough to offer an opinion on that.

What really disturbs me, is that because perhaps a half dozen kids in Central Park—and, I am told, a few in Indiana, and in one other place—have been involved in such an act, the foundations of this democracy are so weak we have to respond by legislating to prevent them from doing it.

As I have asked other Members, proponents of the bill, does the gentleman believe we can legislate respect for the flag and all the great institutions it represents, by enactment of this legislation?

Mr. EDWARDS of California. I thank my colleague from New York.

Mr. Chairman, Congress has a special duty to keep a cool head in perilous times and to keep events in their proper perspective. As a Washington Post editorial in opposition to this bill said:

The Country's temperature is already feverish. Genuine patriotism will aim at cooling it down, not at heating it up.

The hearings reflected that this bill relates to dissent against the war in Vietnam, and I am sure that it is exasperating to those who approve of the war to watch on television young people who feel just as strongly in opposition to the war and who enunciate their views in strong and provocative ways by the use of symbols.

But this is a free country and Americans are entitled to express their opinions in impolite and even offensive ways, and in addition we adults should have a special understanding and tolerance for the storms of youth.

We have survived nearly 200 years without such legislation and, to use the words of the Attorney General, incidents of flag burning are "infinitesimal; a handful among 200 million."

Our flag stands for freedom—for freedom of speech—for freedom to dissent. It is the symbol of a society wherein the free trade of ideas is the very foundation of our strength, and throughout the world our flag has meant to uncounted millions the principle that at least in this land, the Government has no power to censor communications between people.

It would be poignant, Mr. Chairman, if through the passage of this legislation the flag itself would be used as an instrument to suppress free speech.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New Jersey.

Mr. JOELSON. I do not think anyone has maintained that this bill will cause the flag burners to have respect for the flag, but there are millions and millions of people to whom the act of burning the

flag is repugnant and painful. I think this act is designed to protect them. When you legislate against burglary, you are not necessarily expecting respect for somebody else's property, but you are protecting somebody else's property. I think people who are offended and deeply hurt by this also have a stake in it and are entitled to some protection against this type of offense.

Mr. EDWARDS of California. I would respectfully remind the gentleman from New Jersey that this is a country where minorities are allowed to express their opinions on governmental policy even though these views might be offensive to the majority. That is what the first amendment is all about. As Justice Holmes said:

> Practically all the progress in civil liberties in this country has come in defending the rights of "not very nice people."

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, as the author of a similar bill to the legislation under consideration, I believe in the imposition of a heavy penalty upon any person who knowingly desecrates the flag of our country. I have introduced H.R. 663, and have testified before the Judiciary Committee in behalf of my bill. I congratulate the committee for reporting the pending bill, and am proud to support it.

I recognize that the fine line which separates proper personal and individual liberty and a proper protection of the rights of the majority is difficult to locate with precision. As Americans we are dedicated to preserving the maximum of individual liberty, but we also recognize that government, which is administered in the best interests of most of the people most of the time, must be a regulation of total human liberty.

Total liberty carried to the extreme is anarchy. Of necessity, government is the regulation of individual liberty in the best interests of the many. Where to draw a proper line is the question before us.

Should an individual have the right to desecrate a flag if he so wishes? After all, it is only a symbol made of red, white, and blue fabric. Why should an individual not have the right to do as he pleases with a flag which is his own property?

The American flag is more than a chattel to the overwhelming number of Americans. It symbolizes their love of country and their very freedom. In this sense what a flag stands for is community property and is owned by all Americans.

No individual tramples on the flag or desecrates it because it constitutes a physical nuisance. He tramples upon it to defile what it symbolizes, and in so doing he infringes upon what I choose to call a moral property right of every American citizen. Thus, it is a proper role of government to curtail an individual's absolute liberty since it is in the best interests of the many.

Opponents of this bill have argued that it would not increase respect for the flag on the part of those who knowingly desecrate it. Perhaps this is true, but on the other hand, it punishes disrespect which is offensive to the overwhelming majority of Americans, and it may prevent another from committing the same offense. A jail sentence does not necessarily make an honest man out of a burglar, and yet no one would argue that because it does not, that burglary should become a crime which is not punishable by law.

Perhaps we cannot legislate respect for the American flag any more than we can legislate racial tolerance with civil rights laws, but nevertheless this Congress, in its wisdom, has felt the necessity to guarantee racial minorities their just and proper rights. Here is a case where a majority has a right to legislative protection against a small and irresponsible minority. If a civil rights law is justified—and I believe it is—then this legislation is justified.

On August 22, 1966, by a vote of 249 to 44, the House passed legislation intended to prevent picketing in the District of Columbia within 500 feet of a church during or in 2 hours preceding or following a service or ceremony.

Religious symbolism has thus been recognized by the House as deserving of Federal protection even at the expense of the absolute liberty of a person who wanted to picket.

Mr. Chairman, I see every bit as much justification for infringing upon the absolute liberty of a man who desires to desecrate our flag as I see for the picketing bill which passed overwhelmingly last year.

It is true that there are laws in each of the 50 States on this subject. But, I point out that this is the flag of the United States of America and not the flag of any individual State. Laws regarding proper treatment of the flag should be uniform and national. There should not be 50 different degrees of respect for the flag of our country.

The entire world is watching the action which this Chamber takes today. I urge each Member of this House to support H.R. 10480, and show that we Americans do have a national pride, and though we love individual liberty, we also cherish the rights of an overwhelming majority of Americans who demand that the symbol of our national pride be protected from desecration.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, as a sponsor of similar legislation to make desecration of our national flag a Federal crime, I strongly urge favorable action on the bill before us today. Existing State and local statutes on this subject do not appear to be doing the job of deterring this deplorable activity.

It is indeed unfortunate that this problem has reached such proportions that we must enact legislation in an effort to insure proper respect and protection for our flag. But the growing number of cases in which our flag was mutilated and held up to derision point up the urgent need for legislative action to correct these abuses.

The treatment of the American flag symbolizes treatment of the country for which it stands. Particularly at this time, when our servicemen are engaged in battle halfway around the world, we must be ever mindful of the sacrifices these men are making for the protection of our flag, our Nation, and our families.

I would urge then, once again, that we vote overwhelmingly in favor of this legislation. We would then put the irresponsible individuals who have shown such disrespect for our flag on notice that we will no longer tolerate any further abuses.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, the exhibition of certain demonstrators recently in publicly burning the flag of our country is not alone unpatriotic, it is instead a traitorous act. The demonstrators who desecrate the American flag strike at the very symbol of our unity, power, and purpose as a nation.

Woodrow Wilson once observed eloquently that the Stars and Stripes represent, "a great plan of life worked out by a great people." And, Mr. Chairman, he cautioned, so aptly, that the flag, "has no other character than that which we give it from generation to generation."

Mr. Chairman, the resolution adopted by the Continental Congress in 1777 on the flag, gives strong meaning to what this legislation attempts to do today. Speaking of our flag, our forefathers said:

> A new constellation rising in the West, the red a symbol of daring, the white denoting purity, and the blue signifying the United States covenants against oppression.

Mr. Chairman, let us heed these revered words and protect our symbol of freedom. The right of dissent, which Americans support, should never be confused with any alleged right to desecrate, which, with equal fervor we must oppose, as is the purpose of this bill.

I strongly support H.R. 10480 to prohibit desecration of our flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I rise in support of H.R. 10480, which would punish those hereafter involved in desecration of the U.S. flag. An increasing number of such incidents has occurred recently where a small but vocal number of citizens, who enjoy the freedoms and privileges this Nation offers, have shown utter disrespect and disregard for our flag.

Our flag is more than just an emblem. It is the symbol of the sovereignty of the United States, and serves as a reminder to the entire world of the ideals for which our Nation stands. The U.S. flag has long been the symbol of liberty, not only for our own citizens, but also for many people in captive nations throughout the world.

Our national heritage recognizes the right of our citizens to hold whatever political views they choose, and to expound these views by speaking, organizing, or writing whatever they wish. This right is one of the strengths of our Na-

tion, and it must be guarded. However, the Bill of Rights was never intended to provide a license for those who deliberately desecrate the American flag and thus show contempt for our national ideals. The right to disagree with governmental and individual policies and programs is presumed, but to allow acts which desecrate the symbol of our Nation is unthinkable.

Those who insist upon protesting our Nation's policies in such a flagrant manner must realize they are damaging not only our national image, but also undermining the very basic of our system of government which gives them the right to openly disagree and protest.

Since the early days of our Nation, the flag has stood as a symbol worth fighting and dying for. Many brave Americans have given their lives in order to secure the continuance of the ideals and rights our flag represents. The flag, as our national emblem, belongs to all Americans. A small group of misguided malcontents should not be allowed to go unpunished for publicly disgracing our flag, while hiding under the right of dissent and while abusing and defiling the constitutional rights of all Americans.

Today when brave young Americans risk their lives in the battlefields of Southeast Asia, it is urgent that national unity and determination be stronger than ever.

In introducing similar legislation and supporting H.R. 10480, it is not my intent to curtail the right of our citizens to protest. It was, and is, my intent, however, to punish those who would desecrate a sacred symbol belonging to the Nation as a whole. While every State in the Nation has some type of law prohibiting desecration of the flag, the flag deserves uniform, national protection. I introduced similar legislation last year but feel it is even more important now that Congress take positive action.

Mr. McCULLOCH. Mr. Chairman, I now yield 3 minutes to the gentleman from Wisconsin [Mr. DAVIS].

Mr. DAVIS of Wisconsin. Mr. Chairman, in some of the separate and minority views which accompany this report on this bill, reference is made to flag waving. If it is meant a flag waver is someone who has something less than sincere respect for the national emblem and the country for which it stands, I certainly do not appear here as a flag waver. I do appear here as one who cannot reconcile the desecration of our national emblem with any reasonable right on the part of any citizen of this country. This Nation or any government must protect its own. It seems to me this is an essential inherent part of our national sovereignty. Clearly, this flag is a symbol of this Republic; we acknowledge that every time we pledge allegiance to the flag of our country. So it is no answer to say that we have statutes in all of the 50 States of the Union, in one form or another, against flag desecration. The parties who are mainly offended are our Nation and the citizens of our Republic, not the citizens of the individual States in their dual capacities.

Now, in some of the separate and minority views, those of us who have sponsored this legislation, and now support it, are held to be attempting to stifle dissent. It seems to me that these people are all mixed up in their terminology. This bill does not stifle any public dissent. It only seeks to stifle public contempt—contempt that hurts our country abroad and contempt that hurts American citizens abroad and at home. I think this committee deserves the compliments of all of us who have sponsored legislation of this kind.

Mr. Chairman, the committee in its consideration has produced a better product than the bill which I introduced. I believe it is a better product than any of the individual bills that I have had an opportunity to read.

This committee-reported bill bears the marks of careful consideration and of lawyerlike draftsmanship.

So, I shall vote my conscience today. I shall vote in support of this bill. I support it without any amendment, because I believe the Committee on the Judiciary has done a most commendable job.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I rise in support of this bill.

Our flag is a symbol of many things to many people—it has been defended by our finest young men, many of whom have sacrificed their life for their country. Pioneers who risked their lives would not have conquered the wilderness without the protection and security our flag gave them. Our flag is proudly raised on all Federal buildings every morning and lowered at sundown in the evening. Under our flag we are free to choose our political leaders, and we are free to choose the means of earning a living. Our flag is a constant reminder that the United States of America cannot be the bulwark of liberty and independence unless its people continue to be vigilant and jealously guard the things for which it stands.

Our little children are taught, early in their school days, to honor and respect our flag, and it is a tragedy that some in later years, do forget this teaching. Seeing our flag being desecrated is shocking. To any decent American citizen, the sight of our flag being irreverently handled immediately brings resentment for those who commit such an offensive act.

Oppressed men, women, and children the world over, yearning for the peace and freedom we enjoy, have viewed the Stars and Stripes of the United States of America as their symbol of freedom. They would willingly give everything they possess to live under the protection of the American flag.

On Flag Day, June 14, the Ohio State Legislature unanimously passed a bill increasing penalties for disfiguring, burning, or destroying the American and Ohio flags.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. VAN DEERLIN].

Mr. VAN DEERLIN. Mr. Chairman, no bill comes to the floor of this House more assured of overwhelming approval than H.R. 10480, the antiflag desecration measure we are considering today.

I intend to vote for this bill, but with the greatest reluctance.

It is a bad bill, an unnecessary bill; yet a vote against it could open a can of political worms.

Basically, I feel that the measure is not important enough to become a prime issue in my campaign for reelection next year. Obviously, this is the kind of unsubstantial issue that would be seized upon by those zealots and know-nothings who are always prepared to find evidence of disloyalty in positions that happen to disagree with their own.

Why, then, are we passing this bill today?

Will it really help our valiant troops in Vietnam? If so, how?

Will it discourage those perverted types who somehow derive pleasure from mistreating our flag? Or will the penalties it invokes elevate them to a status of martyrdom they most certainly do not deserve?

I also wonder what the other body will do with this proposal after it is approved by the House. I rather suspect that it will be relegated to some remote corner of the Senate, never to be seen again.

I have studied the Judiciary Committee's printed hearings on this legislation, and I am afraid that I remain unconvinced about its constitutionality.

There is also the fact that all 50 States have laws of their own covering abuse of the flag. The report accompanying the bill makes clear that the proposed Federal statute would not supersede the State laws. It does not explain, however, how the two sets of codes that would result from enactment of the legislation before the House could be reconciled and coordinated.

California's flag desecration law is considerably more thorough than the proposal we are considering. Besides punishing those who publicly mutilate, deface, defile, or trample upon the flag, California also provides penalties for a series of other crimes against the flag, including its unauthorized reproduction.

The comprehensive California code provides up to 6 months in a county jail and/or a fine of up to $500 for flag violators. Since California and all other States have already acted to protect the flag, the bill now before us seems redundant. It would do what the California law already does—only not so well.

Practically all Americans revere our flag as the symbol of the greatness of our Nation. They love it instinctively, as part of their heritage, and without being told to do so by State or Federal authorities.

If we now order our tiny minority of flag burners to love the national emblem, or face a year in a Federal prison—will they do so?

I am afraid the answer is negative, and that no amount of coercive legislation we may devise will alter that fact.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, last week

the House observed Flag Day with impressive ceremonies.

Mr. Chairman, I would like to repeat what our colleague, the gentleman from Texas [Mr. BROOKS], said quite eloquently at that time:

It is not a day for self-congratulation—but for self-reflection. For our flag is but a symbol of our national purpose—and a nation can only be as great and just and humane as its people.

Mr. Chairman, I echo those words, and say it would be tragic if those ideals were compromised today by an emotional response to certain acts which are deemed generally offensive and repugnant.

The deliberate desecration of the flag, its mutilation, or its burning, is certainly repugnant to me, and I am sure to all Members of the House. However, I suspect that the effort to make this a Federal crime springs less from a sense of repugnance than it does from a determination to eliminate anti-Vietnam protests.

The hearings themselves contain a number of alarming passages which confirm this and suggest that the bill is occasioned, if not motivated, by concern over dissent to our policy in Vietnam. There is one such statement by a Supreme Court judge from one of our States who certainly should be reasonably conversant with the first amendment, but nevertheless he said:

Demonstrations against American policy strengthen the will of the enemy and this means the loss of American lives. And how could demonstrations against American policy be more vividly and dramatically manifested than by burning the very flag of the United States?

Thus, Mr. Chairman, I believe it is a matter of superlative necessity to halt at once, and by the most effective means possible, the desecration of our flag. (Hearings, p. 71.)

In another colloquy Prof. Monroe Freedman of the George Washington School of Law asked the chairman if "the national interest in proscribing flag burning relates to the war and the protest against the war," and the chairman replied that it did—hearings page 310.

So, I think it is perfectly clear that the demand for such laws, and the one before us, is generated in a climate of emotion and war fever which is designed to enforce superficial conformity. I might point out that such laws—and this one if it is passed—will only challenge the ingenuity of the dissenters and thus encourage a new round of repressive legislation. How ironic it is to undermine the symbol of our individual liberty in the zeal to enforce reverence for that symbol.

Mr. Chairman, generations of Americans have learned to love their country not simply because it is their country, but because of what it stands for and the liberty which it upholds.

How many empires have failed to learn that patriotism cannot be compelled, no matter how severe the penalty. When Burke addressed his King in the era of the American Revolution, he cautioned him to think not of his right to make his subjects miserable, but of his interest in keeping them happy.

Mr. Chairman, experience through history shows that it is not possible to legislate patriotism or morality, or even in this century temperance, if we recall prohibition.

In the early days of our Republic, when patriotism was a very natural feeling, ritual esteem of the flag was superfluous, and there were no demands to legislate reverence for a symbol. It was not until the late 19th century that the flag came to be regularly flown from public buildings.

The first call for protective legislation was raised by the ladies of the DAR in 1896. However, the Congress, in its wisdom, did not respond. The pledge of allegiance was not even composed until well into the present century.

The compulsive reverence of symbols may well be a sign of the atrophy of genuine patriotism. As our colleagues the gentleman from Wisconsin [Mr. KASTENMEIER] wrote in the committee report:

This measure, like the acts of flag desecration it purports to prevent, is a warning sign in the life of our Republic.

Mr. Chairman, no nation has ever saved itself by imposing ever harsher penalties upon its dissenters, and no democracy should ever wish to do so.

Mr. Chairman, there is a serious constitutional issue involved in this legislation—the question of whether or not symbolic action may be protected under the first amendment guarantee of free speech.

The first circuit court of appeals recently raised serious questions about the statute which provides severe penalties for draft card burners, and its findings are equally applicable in this case.

The court wrote in *O'Brien* v. *United States*—First Circuit Court of Appeals No. 6813, April 10, 1967:

We would be closing our eyes in the light of the prior law (requiring draft cards to be carried) if we did not see on the face of the amendment that it was precisely directed at public as distinguished from private destruction. In other words, a special offense was committed by persons such as the defendant who made a spectacle of their disobedience.

In singling our persons engaging in protest for special treatment the amendment strikes at the very core of what the First Amendment protects. It has long been beyond doubt that symbolic action may be protected speech.

H.R. 10480 raises serious constitutional issues. Not only does it impinge upon the first amendment guarantees, but it does not require, as has been pointed out earlier, specific intent. It duplicates existing State legislation, and thereby raises the double jeopardy question.

Furthermore, it may be void for vagueness, in my opinion. I earlier commented upon section 1(b), pointing out how broad it is, broad enough to include anything that is red, white, and blue, and that includes, incidentally, the flags of other countries such as Cuba, Czechoslovakia, Yugoslavia, North Korea, and the Confederate flag as well.

The testimony also suggests that any use of a flag motif, any of the articles which are sold commercially with the Stars and Stripes, or a part of a flag showing, would be held under this legislation as a desecration if it is mutilated, defaced, defiled, burned, or trampled upon.

The salient distinction upon which the question of whether or not there is a violation could well turn on whether dissent to a policy were involved.

Mr. Chairman, I regret the abundance of emotion and flag waving which prevails today. I would hope that the committee would refrain from abridging basic liberties in a flurry of superpatriotism. I might say that at times it is a desecration to wrap oneself or one's policy in the flag.

What greatly disturbs me about today's debate is the failure to understand the alienation of a whole generation of college students. The enactment of punitive Federal laws will not convince them of the validity of a policy which they question.

More important than the symbol, Mr. Chairman, is the "Republic for which it stands." Let us not forget that the same emblem of the rising sun has represented both dictatorship and democracy in Japan. To undermine the precious liberties which our flag represents would indeed cast contempt upon the flag.

Mr. MCCULLOCH. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. RAILSBACK].

Mr. RAILSBACK. Mr. Chairman, I wish to reaffirm my support of this general legislation, and indicate that I do not approve of flag burners or draft card burners, but I do sincerely believe that this particular bill can be improved probably by adding one word, the word "knowingly," or possibly two words, the two words being "with intent."

It seems to me by the very fact that so many of us on the floor today have indicated a concern about the language being used that does not require any necessity of proving intent; that the bill itself is a little ambiguous in this regard.

I am concerned that we do not seem to have differentiated between somebody who may have guilty intent, or guilt in his mind, and somebody who may accidentally destroy something that bears the flag on it, and thereby casting contempt in the eyes of somebody else.

I am quite concerned that this Congress enacted a statute called the Harrison Narcotics Act some time ago, and then the Supreme Court of the United States in the case of the United States against Balint, which involved a sale of narcotics, when a defense was raised in respect to the indictment indicating that the Government had made no showing of intent, the Supreme Court said by the fact that the Congress itself omitted any reference or any showing of a need for the intent that anybody dealing with that particular subject did so at his own peril regardless of any showing of intent at all.

I believe that a Law Review article by Herbert L. Packard, who wrote for the Supreme Court Review, summarizes very well my feelings about the need for some kind of a showing of intent of a guilty mind, which I refer to here as the mens rea.

Mr. Packard has this to say on page 109:

> The role of *mens rea* in the criminal law has been the subject of much discussion. The consensus can be summarily stated: to punish conduct without reference to the actor's state of mind is both inefficacious and unjust. It is inefficacious because conduct unaccompanied by an awareness of the factors making it criminal does not mark the actor as one who needs to be subjected to punishment in order to deter him or others from behaving similarly in the future, nor does it single him out as a socially dangerous individual who needs to be incapacitated or reformed. It is unjust because the actor is subjected to the stigma of a criminal conviction without being morally blameworthy.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. YATES. I agree with the gentleman. I think that if, as the proponents of this legislation contend, that intent is implicit in the language contained in the bill at the present time, then nothing is hurt by making it specific and using the words "with intent."

I think the language should include the necessity for intent. I compliment the gentleman on the speech he has made.

Mr. RAILSBACK. I thank the gentleman and I believe what he has said is correct. My feeling is that the addition of the two words "with intent" will not hurt anything.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to my distinguished chairman.

Mr. CELLER. In my colloquy with the gentleman from North Carolina [Mr. WHITENER], he indicated that if the words "with intent" are omitted from the bill, it would be a question for the jury. Although it might be a question for the jury, in the absence of the words indicating intent, would not the judge be compelled to charge the jury that the beholder of the act might be in a position to feel that the act was contemptuous although so far as the perpetrator of the act is concerned, it might be purely innocent.

Mr. RAILSBACK. I think that point could be raised under the Supreme Court decision that I cited. This is what gives me great cause for concern.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RAILSBACK] has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. MESKILL].

Mr. MESKILL. Mr. Chairman, I rise in support of H.R. 10480, which would make it a Federal crime to desecrate the flag. The bill is, in its essentials, identical to my own bill, H.R. 8543, which was introduced on April 13.

I am frank to say that the need for this bill is most regrettable. There was a time when deliberate desecration of the flag was an unthinkable act. The flag, almost like the highest religious symbols, was a universally revered and sacred symbol.

Clearly, this is no longer true. Time after time, we have witnessed the deliberate desecration of the flag—burning, tearing, trampling, dragging it in the dirt. This cannot be allowed to continue with impunity.

It is argued that this bill would impinge on the constitutional guarantee of free speech. I do not agree. The Constitution guarantees liberty to dissent and to express any opinion without hindrance. It does not, in my opinion, license deliberate acts of social degradation. The Constitution does not guarantee the right of any person to engage in what I can only call acts of hysteria which are harmful to the whole society.

There is no doubt in my mind that desecration of the flag is severely harmful to the general welfare.

The flag represents the freedom and enlightenment which is America. Millions of persons from all over the world have struggled to find their way to these shores to come under the protection of this flag and to enjoy the liberty and opportunity for self-advancement represented by the Stars and Stripes.

Millions of Americans have gone into battle under this banner. Men are being killed today in defense of liberty. The presence of the American flag in Southeast Asia today is the only hope that millions of people in numerous countries have for holding their bulwarks against the tides of Communist conquest that threaten to overwhelm them.

Mutilation of the flag in public outbursts, whether at the hands of sinister agencies or by the act of the merely juvenile, has a tremendously demoralizing effect at home and abroad. Photos and news reports of these acts are flashed electronically around the world. People abroad, our own soldiers, and our own citizens at home may well wonder what has happened to American life that we can permit this activity to go unpunished.

If we do not pass this bill, Mr. Chairman, the world and our own soldiers can only conclude that people at home really do not care any more. But I think we do care and care deeply.

It is not a right which would be abolished by this bill; it is a right that would be reasserted—the right of free men under the Constitution to protect their sacred institutions from deliberate defamation.

Every society has always had the right to protect itself and its most valued institutions. This is more than mere tradition; it is the essence of civilized society, essential to civic morale. No civilized society is obliged to tolerate the rotting away of its very roots.

The rot has started, the challenge has been made. We must now respond. I urge the swift and overwhelming passage of this bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to this bill, not out of sympathy for those who burn the flag of our country, but out of concern for the freedoms which that flag represents. However abhorrent flag burning may be as an expression of political dissent, I question the constitutionality of legislating against it. Tolerance of dissent—even of irrational dissent—is at the very heart of our form of government. To compromise that tolerance—as this measure would—is to weaken that which we should strengthen.

In all 50 States and in the District of Columbia there are laws which punish desecration of the flag, thus making any additional legislation unnecessary. The measure now before us is, in a word, redundant.

But more serious, to me, is the spirit in which this bill is introduced and the effects its passage may have. It is abundantly clear that the real "evil" at which the bill is directed is opposition to the war in Vietnam. Dissenters cannot help but see it that way. And no one is likely to believe that the tiny handful of flag burners in any way constitutes a "clear and present danger" to the Republic. One cannot legislate respect. Rather than deter dissenters from flag burning, this measure could lead to further, and even less attractive, expressions of dissent.

By passing this bill, we will merely reinforce the grievances of those who feel that Congress is only concerned with the critics of national policy, not with the real issues which these critics raise.

H.R. 10480 is, at best, irrelevant and unnecessary, and, at worst, unconstitutional and unwise.

Mr. ROGERS of Colorado. Mr. Chairman, I yield as much time as he may consume to the gentleman from Minnesota [Mr. KARTH].

Mr. KARTH. Mr. Chairman, I rise in support of the bill that would make it illegal to desecrate the American flag. This bill has nothing to do with freedom of speech, freedom to act as one will, or for that matter, any other freedom. What it does, is protect 200,000,000 Americans from the vile acts of a few.

Today we tolerate acts that most of us find ourselves in disagreement with. We even tolerate acts of violence when it is not premeditated and therefore borders on the hairline of expressions of freedom. But the violation of our flag is an entirely different matter. And even though there may be some questions of intent, I have sufficient confidence in our system of laws and juries to immediately dispel those questions and doubts.

Mr. Chairman, I sincerely hope this bill becomes law.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. DORN].

Mr. DORN. Mr. Chairman, every loyal American has been shocked by recent pictures showing our beautiful American flag being burned and desecrated.

It is even more shocking that these flag burnings have occurred at a time when our men are fighting and dying in Vietnam to defend our United States flag and to secure the freedom of even those who would burn that flag.

If it is right and necessary to draft our young men and send them all over the world to fight for freedom and defend our American flag, then it is right to take whatever steps are necessary to secure proper respect for that flag at home. The time for such action is long past.

Just what is the American flag?

In the words of Justice Harlan:

To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say of all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

Many people of our Nation were infuriated and shocked by the picture of our flag in flames in Central Park last April. Were those who burned the flag in Central Park burning merely a piece of cloth? Certainly not—their actions expressed a deep and violent hatred for America and all its principles.

However, no desecration these treasonous people can contrive can effectively debase our flag or its principles. The real meaning of the flag is beyond the obscenities and the flames which the vandals would cast upon it. The flag is not merely a piece of cloth—but an image, a symbol that exists in the minds of Americans. It is a symbol of our Nation's struggle for independence and the freedoms we enjoy under the democratic system.

Yes, the American flag is indeed the national emblem of our country. It symbolizes our very existence as a great Nation and as the heart and core of freedom throughout the world.

Mr. Chairman, when we allow destruction and dishonor of our national symbol, it is inevitable that dishonor and disrespect for the Nation will develop. This weakness on our part does not go unnoticed by our enemies—indeed, I believe these disloyal acts have given encouragement and aid to those who would destroy democracy. In light of our present struggles against Communist aggression in Vietnam, and elsewhere in the world, I believe it is desirable and necessary to have legislation which would punish those who burn and desecrate our U.S. flag. I urge my colleagues to pass this bill by an overwhelming majority that will be heard and noted around the world.

After seeing the pictures of the deplorable burning of the Stars and Stripes, I was thrilled to receive a letter from a 12-year-old constituent expressing her concern about the treatment of our flag. The letter, beautiful in the simplicity of its statement of patriotism, I commend to the Members of the Congress and to Americans everywhere:

EASLEY, S.C.,
May 10, 1967.

Congressman BRYAN DORN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DORN: I am twelve years old and in the sixth grade. I have not served my country by being in service, but I have been brought up to respect my country and my flag. I think the people in New York who helped burn the American flag should be taught to respect their country and their flag. It is awful for citizens of the United States to treat their flag and their country that way because men have died for that flag so we could have freedom and a flag to fly.

Sincerely yours,

JAYNE ANN HUFF.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I rise in opposition to the bill. First, I am glad that I do not have more than 3 minutes. I think we have spent entirely too much of the valuable time and energy of this Congress on this measure. Mr. Chairman, I cannot help but recall that only a couple of weeks ago, when we were considering the Draft Act that affected tens of millions of Americans, Member after Member after Member got up on the floor of this House and expressed their resentment of the fact that we had only 5 hours of debate on a matter of transcendental national importances. Here we are spending almost an equal amount of time in consideration of a measure whose need is trivial and unproved.

Mr. Chairman, our Nation does not need this bill. The laws of 50 States cover this subject adequately. The Attorney General of the United States in his letter to the subcommittee refused to support the bill and questioned its wisdom and necessity. Happily, I see no evidence whatsoever in our society of the dry rot which we heard the previous speaker describe. On the contrary I see generation after generation after generation of Americans responding unstintingly to our national needs with the kind of quiet patriotism and love of flag and country that sends young men out to die in battle and old men out to plant trees under which they know they will never sit. This is the kind of patriotism that counts, of which we all should be proud.

Where is this dry rot? Is there anything wrong with American youth? I am convinced that they are a great generation of Americans, with deep love for our great traditions, for the precepts of liberty, justice, equality for all with which they have been imbued by our timeless institutions of church, school, and home.

What and where is this dry rot of which we hear?

Where are the converts to flag burning and other forms of flagrant irresponsibility? Has it swept our college campuses like the goldfish gulping and panty raids of yesteryear? Or has not the public response of youth and adult alike been one of deep resentment, revulsion, and disgust?

The conduct we have witnessed that produced the stimulus for this bill offends the sensibilities, and rightly so, of every Member of this body, mine included. But normally we do not legislate against conduct that is unwise, that is in utterly bad taste, that offends our sense of what is dignified, right, decent, and appropriate.

Here we are taking up the time of this body in a response which I believe to be an "overkill" of classic proportions; a response to an insignificant number of dishonorable, irresponsible extremists who count for naught in our society, who are in truth the rejects of a society which dishonors such conduct.

But we are not in the business of legislating honor, dignity, good taste, or good sense. I do not believe we have to rise to meet the bait of every irresponsible who finds a new way of making a bloody fool out of himself.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Illinois.

Mr. McCLORY. May I say that one group of men to whom the gentleman might refer, the men in Vietnam, are perhaps more anxious than any other group of people to have this bill enacted. We are responding to those patriots who are fighting and dying. They have asked us to respond tangibly on the floor of the House.

Mr. SCHEUER. Mr. Chairman, I cannot believe our men in Vietnam have any doubt whatsoever in their minds that regardless of whatever differences we may have on the broad outlines of our foreign policy, the American people and this Congress support those men with gratitude, without reservations and to the hilt. I cannot believe they can conceivably believe that this insignificant number of nitwits, who admittedly debase our institutions, and who have succeeded in making fools and idiots out of themselves, represent the American people. Therefore, I say we should not rise to that bait. For doing so, we demean the clear meaning and deep value of the very flag, country, and institutions we love and cherish.

This bill has no reason for being except as an expression of our profound distaste for behavior which outrages our sense of decency and propriety. I would happily support a simple House resolution expressing this distaste.

But I cannot support this bill as an act of legislation. In addition to being unnecessary and uncalled for by any meaningful evidence in our society, the terms of this loosely drawn bill would make felons out of untold millions who, without any malicious intent, commit the specific acts that this piece of legislation would punish. Thus the law itself demeans the principle of justice under law which the flag symbolizes.

Many newspapers and publications, for example, print flags on their mastheads or covers. If a citizen were to burn such a publication, say, in starting an outdoor grill, or if a citizen were to use such a publication to swat an insect, he would find himself in violation of this law.

Jennifer Jo Brown, age 3, the daughter of my administrative assistant, was given a flag to wave and thereupon stuck it in her mouth and sucked on it—what a shame to be a felon at such a tender age.

Postal employees who cancel 5-cent American-flag stamps every day would find themselves breaking this law.

On this question, I quote the "Additional Views" of my distinguished colleagues, JAMES CORMAN, HENRY SMITH III, TOM RAILSBACK, EDWARD BIESTER, JR., and CHARLES WIGGINS, filed with the committee report:

The undersigned members of the Judiciary Committee agree with the objectives of the present legislation to prohibit public desecration of the flag, but wish to express certain reservations concerning the impact of the measure in its lack of clarity with respect to intent. The bill would penalize whoever "casts contempt" upon the flag by speci-

fied public acts without specifying whether the contempt must exist in the mind of the offender, or only in the eyes of the beholder. Indeed, as the measure is written, no specific contemptuous intent need be established at all. Under the bill, a person who publicly burns or mutilates the flag might be found guilty whether or not his conduct was contemptuously motivated.

I do not claim that this bill would lessen the right to dissent.

It would, in all likelihood, stimulate a pathetic handful of half-baked publicity seekers to burn flags to test the constitutionality of the act, which cases would wend their weary way through the courts over the years while this section gathers dust.

I think this Congress would do better to spend its time considering how we can put into reality those things that the flag stands for—freedom of speech, of assembly, of religion, and the equality of all men before the law.

Let us demonstrate our love for the flag by considering how Congress can better assure every citizen's right to life, liberty, and the pursuit of happiness.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. KEE].

Mr. KEE. Mr. Chairman, I thank the distinguished representatives of the Judiciary Committee for this opportunity to make this presentation.

Mr. Chairman, I fully support H.R. 10480, a bill to prohibit the desecration of the American flag. The American flag is our national emblem. Our American flag is sacred. Our American flag belongs to all American citizens. The flag inspires a warm feeling of patriotism in the hearts of all of us.

Unfortunately, Mr. Chairman, some individuals or groups, who enjoy the protection that our flag represents, have desecrated our flag in public, a disgraceful exhibition of irresponsibility. I will support an amendment to increase the fine from $1,000 to $5,000 and to increase the imprisonment from 1 year to 5 years.

We have casualties every day in the war in Vietnam. How can any person defend the incidents of contempt for our flag to the families who have lost a loved one in the defense of liberty?

The American people demand action now.

I have every confidence that the House of Representatives will fulfill its sacred obligation this afternoon and pass this measure with an overwhelming victory.

Mr. BOW. Mr. Chairman, I need not take much of our time to comment on this legislation to protect the American flag from the disrespect and desecration that it has suffered recently in certain areas of the Nation. My constituency knows of my support of this legislation during the past year or so and my constituents share my contempt for those who abuse the freedom of our country by insulting the flag that symbolizes that freedom.

Some years ago I was concerned about the apparent decline in patriotic feelings in our country. There seemed to be an air of apathy about the flag, our great historic holidays and other outward evidences of devotion to country. Mr. Chairman, I think all that has changed and to some extent these unthinking hoodlums who desecrate our flag are responsible for stirring anew in the vast majority of Americans a deep devotion to the Nation and its emblem.

Display of the flag in my congressional district is now the usual rather than the unusual thing. The demand for new flags is tremendous. I am happy to join in and support and promote this outward display of sentiments all good Americans share, and I am happy to have the opportunity to support this legislation today.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. BLACKBURN].

Mr. BLACKBURN. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, it is with mixed emotions of pride and sorrow that I, as a Member of Congress, find myself compelled to participate in the passage of legislation which will make it a crime for any person to desecrate the flag of this great Nation.

My pride is born from a sense of the responsibility which the citizens of my district have placed upon me in making me their voice in the Congress. I have never felt this responsibility more than I do in this hour, when I find that a need exists to protect the symbol of our Nation's greatness.

My sense of sorrow springs from a recognition that such legislation is needed. As one who was inspired from earliest infancy at both home and school to show respect, if not reverence, for the flag of the United States, I am both hurt and baffled by the actions of some among us who would show less than respect for our flag.

Since the birth of this Nation, our flag has served as the symbol of freedom and equality of opportunity for downtrodden people throughout the world. Our soldiers in time of battle have risked, and lost, their lives on many occasions to protect that symbol from disgrace and defeat.

There are those among us who will contend that the destruction of our flag is but a legitimate exercise of free speech, a freedom which this flag symbolizes. They will argue that to destroy the symbol is but a method of calling attention to some aspect of our national policy with which they are in disagreement. To these people I must reply that there are other methods of expression, methods which can be equally effective and yet not place our Nation's symbol in a position of scorn. Such actions are literally an abuse of free speech. They destroy that freedom in the guise of exercising it.

I say to those who are disposed to scorn and express contempt for the flag that they should awaken to its true meaning and the great disgust which they bring upon themselves. I say to such people that we cannot destroy the symbol of freedom without destroying in some measure the freedom which it represents.

Mr. Chairman, today I take pride in reflecting the wishes of the people of the Fourth Congressional District of Georgia by giving my wholehearted support to this legislation.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I rise in support of this legislation. I only hope we shall have as responsible enforcement of it as we have had consideration of it.

Mr. Chairman, although I must admit skepticism only last year that this bill would ever reach the House floor, I want to commend the distinguished members of the Judiciary Committee and my other colleagues for their diligence and keen awareness of the need for this legislation.

Of course, this bill has generated the expected rhetoric about that great contemporary misnomer—free speech. Although I am at a loss to define free speech as a result of the confusion affixed the ordinary meaning of that term by the Supreme Court, opposition to the bill before us on the basis that its enforcement would be a denial of free speech is sheer and utter nonsense. Purposeful mutilation of the flag of the United States is a heinous crime against the American people which should not go unpunished.

This body has responded to the will of the overwhelming majority of the American people by considering legislation to prohibit desecration of the flag. And, I predict that the bill before us will become law.

But, accompanying passage of this bill should be a strong resolve by the Justice Department to enforce its provisions. Although the Attorney General, in a letter to the Judiciary Committee, conceded that his Department would enforce the bill, the wording of his letter led me to believe that he is not altogether in favor of it. In fact, if the Attorney General, who seems more predisposed to bring about sociological reformation than law enforcement, decides to pay the same lipservice to this bill as he does to the soaring crime rate, then we may as well forget our efforts here because they will have gone for naught.

The voice of the people will be stifled unless this bill is enforced. For this reason, let us hope that the Justice Department will put teeth into the actual enforcement of this legislation.

Mr. McCLORY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I find it highly gratifying that the Committee on the Judiciary has favorably reported H.R. 10480, to outlaw defilement and desecration of the flag of the United States.

It is a source of special satisfaction to know that the subcommittee, and the full committee, gave such overwhelming approval to this measure. I am not offended by this legislation as my friend and colleague from New York [Mr. SCHEUER] said he was. I am proud to be identified as a stanch advocate of it.

I derive particular satisfaction as a citizen of the United States, who looks upon our flag as the glorious standard of our Republic, and as the symbol of

our love of freedom and dedication to democracy, and also as a Member of this House who has worked for a number years to bring such a bill to this body.

Last year, in the 89th Congress, I was a sponsor of legislation similar to that before us today, to make it a Federal crime for the first time to desecrate or cast contempt upon the flag of our country. I then joined in a major effort to have that bill discharged out of committee for floor action.

Again, this year, I introduced a bill with the same purpose, and testified before the Judiciary Committee, stressing the need for such legislation, as a glaring omission in our laws. At that time, I urged that the committee report a strong, meaningful, and enforceable bill to the floor, such a bill is before us, and I am happy that the efforts of so many in this body, and patriotic organizations throughout the Nation, have now come to a first fruition.

As it comes before us today, the bill incorporates only minor changes from the earlier version I urged. In that bill, any act of mutilation, defilement, defiance, or casting contempt upon the flag of the United States would have been made a Federal crime.

The bill, as reported, includes those points, but specifically adds the act of burning the flag as a crime. The addition is a good one, because so many of the exhibitionists who have mocked our Nation's emblem in public, have done so by burning it.

Though this House has acted upon a great deal of profoundly important legislation during this session, I am convinced that this flag bill is as important as any which has come before us.

It is a measure which can rectify an obvious hole in the law, which many patriotic citizens and organizations have been trying to correct for years. Though each of the 50 States has a statute covering disrespect to the flag, it is unbelievable that we have no Federal statute outlawing it.

It is clear, from the report of the Judiciary Committee, that no attempt is made in H.R. 10480 to displace State jurisdiction. Rather, its purpose is to provide concurrent jurisdiction to bolster and strengthen the powers of all law enforcement agencies to act swiftly against those who would outrage the standard of our country.

I am glad to see that the bill before us retains the penalties I proposed in the measure I introduced—a fine of not more than $1,000 and not more than a year in prison.

This is important in the light of the particularly obnoxious incident I discussed during my testimony before Subcommittee No. 4 of the Judiciary Committee.

At that time, I recalled a filthy and revolting display of so-called pop art in New York City, which was reported in news stories throughout the world. That case involved use of the American flag in obscene and pornographic conformations in a public gallery. If any Member of this House has any question of his vote on this bill, I ask him to view these photos which I have here.

The proprietor of the gallery, was convicted of a misdemeanor under the New York State Penal Code, and was fined $500. I pointed out that the proprietor earlier had sold one of the pieces of so-called art for $900, giving him a $400 net profit on the filth he purveyed.

In other States, the situation would have been even more outrageous, for not all State statutes are as severe as New York's. In some States there is only a token fine—$10 in Massachusetts and $5 in Indiana, for example.

I am sure most of us know of the incident in New York City's Central Park, on April 15, when thousands witnessed the disgraceful act of a group which publicly burned an American flag.

This repugnant display turned many stomachs, and to add to its revulsion, it was seen by millions of people throughout the world in news photos and telecasts. What was most appalling was the fact that the perpetrators went unpunished.

I feel certain that when the Congress passes this flag bill, the provisions of this legislation will provide standards for a number of States to amend their own statutes to make the penalty for desecrating the flag more nearly fit the crime.

Thus, we will be serving a twofold purpose when we pass this bill. We will provide strong, effective, legal machinery for Federal prosecution of desecrators of our flag, with tough penalties and enforcement provisions, and at the same time. we will offer a model code for States to follow.

Mr. Chairman, I trust that this House will approve this bill which places the Federal Government in the primary position it should hold, as the defender of our national emblem, and provides effective enforcement features and meaningful punishment for willful violators.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I should like to say to the gentleman that I believe one of the most impressive bits of evidence we had as to the need for this legislation were those color photographs, the exhibits which the gentleman presented to the committee. I join him in saying I cannot understand how any American could oppose this legislation if he would just take 1 minute to look at the exhibit which the gentleman from New York presented to our committee.

Mr. HALPERN. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, I yield 4 minutes to the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, on May 4, 1967, it was my privilege to introduce H.R. 9684, making it a crime to desecrate the American flag by intentional burning or otherwise. Many other Members of Congress have felt compelled to do likewise, and I commend them. I am personally getting sick and tired of reading of incidents of crackpots and lunatic-fringe demonstrators spitting upon the American flag, or ripping it to shreds, or stomping upon it, or otherwise defiling it.

As have most Americans, I have had my fill of watching these unpatriotic characters abuse and defile the constitutional right of all Americans to speak freely, to assemble peaceably, and to petition for a redress of grievances. The right of dissent is one of the oldest and most cherished rights which all Americans possess. If it is sometimes used in a frivolous or ridiculous manner with which we disagree or to which we take exception, it is one of the prices we pay for enjoying existence in a free democracy. But the desecration of the American flag transcends the question of individual rights. The American flag—any American flag—is, in essence, the property of all Americans. While an individual may have a right of dissent, he also has the responsibility not to infringe on the rights of others in doing so.

So far as I am concerned, by maliciously burning the American flag or otherwise intentionally defiling it, a misguided zealot on the lunatic fringe or one who performs this dastardly deed with unpatriotic or treasonous motives is an individual destroying a unique, precious property that belongs to millions of Americans, and thus is violating the cherished rights of those millions.

The irony of it all is that these traitors in our midst seek to malign the very system that protects them and offers them the right to demonstrate. It is fantastic that in 180 years no Federal law on flag desecration has been enacted by the Congress, and let me tell you that the need has never been more compelling than now.

The pending legislation provides for fine and imprisonment for anyone who publicly mutilates, defaces, defiles, defies, tramples upon, or casts contempt upon any flag, standard, colors, or ensign of the United States. Mr. Chairman, I hope legislation will overwhelmingly pass this House today to punish those misfits who desecrate the American flag: nevertheless, may I respectfully submit that the penalty in H.R. 10480 is far too lenient. Accordingly, today I propose to introduce an amendment at the appropriate time to make desecration of the flag not only a felony but more specifically to provide that an act of willful desecration of the flag would create the presumption that the act itself was performed with intent to commit treason. To me this is a serious matter, and the penalty should be serious also.

Legislation was passed by the 89th Congress making it a crime to burn a draft card—Public Law 89–152, with the penalty covered under 50 U.S.C. appendix section 462—providing for a fine not to exceed $10,000 or imprisonment not to exceed 5 years, or both. It would indeed be a paradox to provide a lesser penalty for desecration of a cherished symbol of freedom and power in America.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I think it is highly appropriate that the House of Representatives act favorably on this legislation at this time, just a short period before the Fourth of July. This is a day that commemorates the independence of our country and the freedom and dignity of the individual, the

very spirit of our proud national emblem.

There is good cause to enact the bill that is before us because we have all been aware of the demonstrations against Old Glory that have been going on around the country. There has, for instance, been a flag burning at peace demonstrations in New York and a putting of the torch to Old Glory in class by a college instructor in Indiana. Yes, and there have been other instances of flag abuse:

A New York theater sponsored the burning of the flag on stage.

A speaker on a college campus in Indiana spat on the flag, ripped it into pieces, threw it on the floor and stomped on it.

Demonstrators in Georgia pulled down the flag from a courthouse, tore it and tramped it, after spitting upon it.

An Illinois school teacher tramped on the flag in the front of his class.

Mr. Chairman, the punishment features of this legislation are not as strong as I would like to see them, for the bill makes casting contempt upon the American flag by publicly mutilating, defacing, defiling, burning, or trampling upon it punishable by a fine of not more than $1,000, or imprisonment for not more than 1 year, or both. I have introduced legislation with stronger punishment features, providing that those who mutilate or desecrate the flag would be punished by imprisonment up to 5 years or a fine up to $10,000, or both. I want to make it clear, however, that I support the bill presently before us—it accomplishes the all-important end of making abuse of our American flag a Federal crime, thereby setting up a national standard.

There are some who have opposed this measure on the grounds that it was unconstitutional, interfering with the right of dissent and free speech, guarantees provided the citizen in the first amendment to the American Constitution. This objection has been properly and adequately attended through language in the bill which does not prohibit speech, the communication of ideas, or political dissent or protest.

Others have argued against this legislation in the belief that Federal legislation on this subject was not necessary and would interfere with the various State laws on the subject. This concern also has been taken care of in the bill inasmuch as it provides that it shall not be the intent of this legislation to interfere with or preempt State laws in this area.

I am glad to see that the prohibitions against flag desecration shall apply not only to those in the United States but also to the actions of American citizens living abroad—legislation of this nature should have 100 percent application, no matter where the American citizen is located.

Mr. Chairman, many of those who abuse Old Glory offer the excuse that such destruction is of no consequence because the emblem is but a mere piece of cloth. Still, all of us know that these persons would not harm it if it were a simple piece of fabric. Instead, they do it in very obvious disdain of the very fine things this flag represents, all relating to the independence of our country and the dignity of the individual. But the logic of these individuals escapes me, and I find it difficult to understand how those who resort to this revolting conduct can, in good judgment, offer their violent opposition to the very symbol which permits them to make this kind of expression.

Under the circumstances, then, I think it is high time to do something about this situation, Mr. Chairman, and the legislation before us offers an opportunity in this regard. I strongly urge the House of Representatives to approve this legislation, remembering these words of Theodore Roosevelt:

> We have room in this Country but for one flag, the Stars and Stripes. We have room but for one loyalty—loyalty to these United States.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, to all of us who hold the flag and the ideals it stands for in high esteem, it is deplorable to think that anyone would be so profane as to desecrate the most respected national standard in the world.

But such is the case. It is disgusting that there are those in this country who would and do abuse and insult our flag.

For almost 2 centuries it has been the symbol of freedom, hope and liberty to the peoples of the world. The sun never sets on Old Glory. Even now, thousands of miles from this room, our young men are dying for the principles and beliefs that we hold most dear and sacred. But in some cities, those same principles and beliefs are ignored and our flag has become the target of insults of all kinds.

It is time that we, the lawmakers of this great Nation, protect from such abuse the one symbol that signifies our beliefs.

I am in no way advocating the suppression of legitimate disagreement with the policies of those in authority. The right of orderly dissent is fundamental to the rights of life, liberty, and the pursuit of happiness. But anyone who cannot express his dissent without desecrating our flag has not matured enough to logically comprehend or express his grievances. We, the Congress of the United States, must act with a united front against those who would bring disrespect upon our flag.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. THOMPSON].

Mr. THOMPSON of Georgia. Mr. Chairman, while sitting here and listening to the debate two factors have become very evident. Those opposing this bill maintain that we are working in an emotionally charged atmosphere. I for one want each and every Member to know that so far as I am concerned it is an emotionally charged atmosphere. Frankly, I cannot look at this flag of ours without feeling deep within me a deep love, devotion, and respect. I remember as an 18-year-old soldier, standing on the parade grounds during retreat, for the first time seeing our flag lowered.

And I remember the deep love and respect that I felt in the pit of my stomach.

I respect that flag and I want others to respect the flag. Second, I know we are not going to legislate affection. But I do feel this, that those who fail to respect the flag and by their act defile the flag, then they should be subject to the penalty we impose for their failure of this respect.

The people of the United States all have a right to look at this Congress for the protection of their property, and that flag is the property of all the people of the United States and not just of a few who would destroy it. To those who would destroy that flag, let us, the Congress of the United States, tell them that they shall be punished and the purpose of this legislation is to exact punishment for destroying the property of all of the people—our flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. SKUBITZ].

Mr. SKUBITZ. Mr. Chairman, I rise in support of this legislation. I joined my House colleagues in introducing legislation to prohibit the desecration of the flag and I rise now in support of that legislation. The point has been raised that such legislation would infringe upon the right of free expression of our citizens, and this argument, in my thinking, is totally without substance.

For example, it might be argued that a person who writes notes on the structure known as the U.S. Capitol is merely exercising his right of free expression. But the laws would not permit such an act to go unpunished. It would be labeled "destruction" as would similar acts of defacing any national statue, landmark, building, painting, or emblem. Actually, the extent of the charge depends on the value of that which is destroyed. But the destruction of any of the properties of this country—preserved as a recognition of our national heritage, pride, and principle, preserved for the citizens of all this country—was punishable under our laws.

Surely we cannot contend that our flag does not deserve the same protection.

Our laws are not written only to preserve the concrete and steel that goes into an object; they are not written only to protect objects of material value. The value of our flag exceeds any money figure which could be given it. If I may borrow from a famed world's statesman: Our flag holds the "blood, sweat, and tears" that went into this country. It symbolizes our hopes, our dreams, our aspirations. It flies free as a goal for the spirits of our citizenry. It flies free in commemoration of our freedom, of our democracy, of our faith in humanity, and in the principles on which this Nation stands.

When our flag is treated as a piece of colored cloth subject to any insult or dstructive act that may be a part of a vandal's assault, then truly a part of my homeland has also been destroyed. As this Government believes in law and order, a system of jurisprudence to protect my homeland and the citizens of this great Nation, so should it stand firm at this time in declaring our flag priceless, and protect it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I had not intended to talk. I am not a member of the Committee on the Judiciary. But I reached the decision that I would make some remarks on this bill when my good friend, the gentleman from Michigan—and I have not a better friend and there is not a man that I hold a higher respect for than the gentleman from Michigan—when he implied that those who favor this bill might not be following the line of conscience and of conviction.

I think it is well known in this House that many times I have belonged to the thin little minority. I have cast votes that some might not have regarded politically wise votes, but I cast them in conformity with my conscience and my convictions. I never would have wished to come to the Congress if on arrival here I could have followed any other rule than that of conscience and conviction.

Mr. Chairman, this is not my bill. It is not of my handicraft. I would not have introduced it, because sometimes I think we have too many laws. I do not know that we can pattern good manners by legislation. I do not know that by laws alone we can prevent rude feet from trampling on beds of red roses.

I remember once I figured that in Illinois we had over 33,000 different laws and regulations—Federal, State, and all kinds of local rules, municipal laws, and regulations—the violation of any one of which could lead to imprisonment—over 33,000 separate and distinct ways of breaking into jail. That was over 50 years ago, and we have gone on making new laws and never repealing the dead letters.

Mr. Chairman, I am not sure that this bill when it is passed and becomes law will not do more harm than it will do good but, Mr. Chairman, it is here. And I am supporting it with conscience and conviction.

I am thinking now of last Memorial Day out in the village of Calumet Park. Every home had a flag displayed and right out in front were the men, women, and children standing in the shade of that flag. That flag meant all that is noble and that is the builder of American family life, the ingredients that enter into the making of our national life.

And, I remember the last Fourth of July in another one of the communities in the district I have the honor to represent, South Deering. Every home had the American flag displayed and sitting nearby on the lawns were the men, women, and children, and in their eyes was the light of their love of Old Glory.

Mr. Chairman, it is our flag.

I remember years ago how all the Nation thrilled to a poem dedicated "to your flag and my flag and how it waves today in your land and my land and half the world away." Yes, that was over 50 years ago and our flag still waves in your land and my land and it is part of our very hearts.

I have been brought up with that love of our flag in my heart, and I stand here unashamed of that affection. Like many of my colleagues in this House, the happiest moments I experience are when I give to someone in my district a flag that has flown over the Capitol of the United States. Sometimes we go back to our districts to make the presentation, and we are happy in doing it.

This bill today is for the purpose of protecting that flag from intentional dishonor. None can scoff at it and do it intentional injury with impunity. If I were not supporting this legislation I would go back on everything that I believe in. I might add, Mr. Chairman, that it is the flag that stands more than any other emblem in all the world for the right to dissent—a right that I will defend to the utmost.

Yes, Mr. Chairman, most of the Members of this body have served in the armed services of our country, and we all know the feelings of soldiers toward that flag. This is a bill that says nobody with impunity shall lay the hand of violence or insult on that flag.

Mr. Chairman, as you sit in the chair of authority that flag is behind you. It is behind our Speaker every moment we are here, and every time we rise from the Chamber of the House to speak that flag is there. It is part and parcel of our very existence in this historic Chamber.

Mr. Chairman, I did not want to speak on this bill until after my good and true friend, the gentleman from Michigan [Mr. CONYERS], raised the question of conscience and conviction. Oh, yes; I am a liberal. I will vote any time the unpopular vote that might unseat me if it is a vote of my conscience and conviction but, Mr. Chairman, I will never vote against a bill that would stay the hand of violence and malice raising against the flag of my country.

Thank you, Mr. Chairman, and my colleagues.

Mr. DELANEY. Mr. Chairman, I wholeheartedly support the legislation before us for consideration.

I think it tragic that we find legislation is necessary to protect our flag, the revered symbol of our Nation. However, recent flag burning incidents by American citizens on American soil clearly demonstrate that such action is necessary.

We all know that the flag is a piece of cloth worth little monetary value. It does not represent a single law, or the President, the Supreme Court, or the Congress. It represents this Nation and all that it stands for: freedom, liberty, and equal justice under law.

Henry Ward Beecher, the famous minister and author of the last century, aptly stated:

> A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth. The American flag has been a symbol of Liberty and men have rejoiced in it.

It is ironic that about the time American citizens were publicly desecrating our flag and shouting their support of communism, the daughter of Joseph Stalin, the once ruthless dictator of Soviet Russia and the world Communist movement, turned her back on that system of government to seek freedom and fulfillment under the American flag.

Like the overwhelming majority of Americans I share the revulsion and resentment which the recent flag marring incidents have inspired. In my view, since the flag represents the Nation, destruction of the flag is a graphic demonstration in anarchy. As it is impossible for one person or a small group of persons to destroy the Nation, the symbolic act of destroying the flag is equivalent to an overt effort to destroy the Nation. Therefore, I strongly believe that we must deter and punish any further efforts to deliberately damage or attempt to damage the flag, the symbol of this Nation and all that it stands for.

Millions of American men and women have answered the call to the colors when our freedom was in peril. In this Nation's relatively brief history more than 600 thousand military personnel have paid the supreme sacrifice in defense of our flag, and in excess of one and one-half million have suffered wounds.

This Nation has a proud heritage of tolerating and even encouraging dissent. Indeed, the Halls of Congress would be mockeries of democratic government if dissent was unreasonably stifled. However, to openly and intentionally burn or otherwise physically abuse the flag of the United States, for which so many of this Nation's heroes have suffered and died, is, in my opinion, a clear transgression of the bounds of reasonable dissent.

Mr. Chairman, I urge passage of this bill without delay.

Mr. BOGGS. Mr. Chairman, today, when the House of Representatives is about to pass a bill prohibiting the desecration of the American flag, I think it is well to remember that American citizens have always been proud of the constitutional, legal, and ethical foundations upon which this country was founded almost 200 years ago—principles that both define and guide the United States.

We have, as you all know, many material symbols which act as reminders of the basic principles which are the essence of this country—the Capitol dome, the White House, the Statue of Liberty, great literary statements of our ideals and purposes, the Declaration of Independence, written by Jefferson, and containing the classic statement of Western democratic principles inherited from John Locke and other great theorists, the Constitution which states in simple but powerful language what this great American Nation is all about, and the writings of great Americans such as Jackson, Lincoln, Wilson, Roosevelt, and our beloved John F. Kennedy.

All of these are integral parts of the American heritage, but none of them take a higher place in the hearts and minds of Americans than the flag.

Throughout American history, the Stars and Stripes has served as the symbol of this Nation, and of its highest ideals and aspirations. The flag, as my colleague, the gentleman from Texas [Mr. BROOKS], recalled last week in a way far better than I, is "a symbol of our national purpose—and a nation can only be as great, as just, and humane as its people."

The bill that is before us articulates

the feeling which the American people have for this symbol by making it a crime to publicly defile or desecrate the flag. Think of the reaction which all patriotic Americans would feel if some dissident person or group defaced the dome of the Capitol, or the White House, or any of the other great expressions of the American ideal. Recall our dismay in this Congress when some sick person wantonly slashed some of the historic paintings which hang in the halls of Congress.

Public protest has always been a part of American democracy, but outrageous acts which go beyond protest and which violate things which the overwhelming percentage of Americans hold sacred, cannot and should not be left unpunished.

Thousands upon thousands of Americans have waged battle and died in defense of our flag. Need I remind you of the great Iwo Jima Monument which honors all these soldiers? Need I remind you of the gallant actions of our men in Vietnam? This is the essence of the bill that we pass today, and I can think of no better way to manifest our pride in our past, and our faith in our future.

I am proud to be one of the sponsors of this bill.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I sincerely wish that two measures dealing with the American flag were on the calendar today—the anti-desecration bill which is before us as well as the bill to make Flag Day a national holiday.

I am well aware of the need to take prompt action to end the acts of disrespect carried out against our flag, the symbol of a great and democratic nation, by individuals whose conduct leaves something to be desired.

But I am hopeful, Mr. Chairman, that this Chamber's consideration today of the bill to end these demonstrations of disrespect will be followed in the very near future by consideration of a measure which is intended to instill in every American a greater spirit of patriotism and love of the Stars and Stripes by making Flag Day a national holiday.

I am firmly convinced that we must set aside one day each year for a special tribute to our flag—the symbol which has inspired Americans for 190 years to support and defend the principles upon which our Nation was founded. I feel strongly that Flag Day should be a national holiday. A great many Pennsylvanians, a great many Americans, share this view.

On several previous occasions, I have entered in the RECORD examples of public sentiment on this subject. I respectfully request that I be permitted to include in the RECORD several more examples today when our flag is the specific subject of our deliberations. One of these is a radio editorial by Mr. Hugh J. Connor, station manager for station WEJL in Scranton, Pa. Another is the Flag Week Proclamation of Mayor Joseph Zeller of the Borough of Emmaus, Pa. The others are appropriate editorials which were published on Flag Day 1967, by the Bethlehem, Pa., Globe Times, the Allentown, Pa., Morning Call; and the Pocono Record of Stroudsburg, Pa.:

AN EDITORIAL BY HUGH J. CONNOR, WEJL STATION MANAGER, SCRANTON, PA., JUNE 14, 1967

If Congressman Fred B. Rooney of Bethlehem has his way Flag Day will become a national holiday. He has introduced a bill to that effect in the House of Representatives. "It seems fitting and right that we set aside one day each year for special recognition of the Stars and Stripes. . . . for personal rededication of our lives to the principles on which our great Republic was found," says the Representative of our neighboring 15th district, and we agree with him wholeheartedly. It is particularly appropriate that all patriotic citizens join in this observance of Flag Day. Widespread participation will show the rest of the world that flag-burners are not exemplary of the people of the United States. In proudly displaying the flag we can put to shame those ingrates who would desecrate the glorious symbol of our Nation's ideals. And at the same time we can reassure all those brave citizens wearing our country's military uniform that we appreciate their services and will give them all the support at our command. Citizens of free lands the world over recognize the American flag as the symbol of a nation dedicated to the preservation of freedom. We should be equally aware of its significance. We can show the pride we have in Old Glory by displaying it on this Flag Day in greater numbers than ever before.

FLAG WEEK PROCLAMATION BY MAYOR JOSEPH R. ZELLER, BOROUGH OF EMMAUS, PA.

Our American Flag is the symbol of the greatest free Nation on earth, the United States of America. Each component part of our Union—every state every possession, the District of Columbia, all the cities and towns and villages, all the boroughs and townships—is represented through the 50 white stars in the field of blue. Every American citizen, whatever his forebears, whatever his political philosophy, whatever his religious beliefs, whatever his feelings about current issues, whether patriot or no, is protected by the American Flag, at home and abroad.

Our American Flag is with us always, day and night. It never rests. It never sleeps. Whatever dangers we may face, from within or without, our Flag symbolizes the might of our Country to overcome those who would destroy us. Our Flag is always alert, as loyal citizens tend to be.

Since the second World War our armed forces throughout the free world have joined with those peoples who have striven to keep their freedoms against the aggressive elements inspired or abetted by the dictators of alien materialistic slave-combines, and even now in Viet Nam we are doing our utmost to contain Communism; we are helping the Vietnamese to achieve freedom.

Day in and day out, throughout the year we pledge allegiance to our Flag, but one day each year, the fourteenth of June, the Anniversary of the birth of our flag in 1777, we set aside to honor the American Flag. The purpose of Flag Week is to give various religious, civic and social bodies to arrange adequate ceremonies.

Now therefore, I, Joseph Zeller, Mayor of the Borough of Emmaus, Pennsylvania, do hereby proclaim the period of June 11–18, 1967, to be Flag Week, and I urge our citizens to honor our American Flag by flying it.

[From the Bethlehem (Pa.) Globe-Times, June 14, 1967]

FLAG DAY

The embattled 13 colonies fought their Revolutionary War skirmishes and battles under a variety of flags. Some of them were reminiscent of the nation from which they were seceding and others were highly original symbols of the colonial attitude.

There was the Pine Tree flag of 1775, with the tree and the slogan "An Appeal to Heaven," there was the Gadsden flag of 1775 with the coiled snake and the legend, "Don't Tread on Me," and there was the Bunker Hill flag of 1777. But none of these seemed quite right, so on June 14, 1777, the Continental Congress passed a resolution that defined the official flag—it was to have thirteen stripes alternately red and white, and thirteen stars in a blue field.

The idea was that a stripe and star would stand for each colony, with the red, according to the resolution, "denoting daring," the white "purity," and the blue "taken from the Covenanters' banner in Scotland" because of their stand against oppression. As for the stars, they represented "the constellation of states" and were arranged in a circle originally to indicate the perpetuity of the Union.

Accordingly, the design was taken to Betsy Ross in her upholstering shop on Arch Street in Philadelphia and she agreed to make a sample flag for the approval of the committee. She liked the sketch, but the only thing was the six-pointed stars—she thought they looked clumsy. The committee reminded her that a great many flags would be needed, that five-pointed stars were difficult to cut. This is true, if you have ever tried to cut one.

But Betsy must have made her quota of patchwork quilts and licked the patch-pattern long before the committee called upon her. She took a piece of paper, folded it once or twice, picked up the scissors she wore at the end of the chain on her waistband and, snip, cut a perfect five-pointed star. That settled it and she got the order.

That same flag is flown in this country today, with the only change being that the circle of 13 stars is now a field planted in even rows with 50 stars, one for each state. Perhaps based on the Betsy Ross legend, but more likely because the flag has flown through shot and shell, in battle and at peace—and at half-mast to denote national loss—we are emotional about our flag. In itself it is but a piece of patchwork, as an emblem it stands for the nation. When it is burned or mutilated the nation is insulted. When it is flown proudly Americans rejoice.

Something of all this we are thinking today, Flag Day, as "the republic for which it stands" flies the Stars and Stripes from doorsteps, from windows, and high above our buildings.

[From the Allentown (Pa.) Morning Call, June 14, 1967]

THE WAY TO CELEBRATE

Flag Day is an appropriate enough time for the vote by which the House is expected to approve a bill that ultimately would make it a federal crime to burn, mutilate or defile the Flag of the United States.

Demands for the law have been mounting sharply since an American Flag was burned in an anti-war demonstration in New York several months ago. The tougher the statute is, the better many will like it. One congressman has been quoted as saying he is willing to agree to anything less than a firing squad.

There are, however, much more effective ways of observing Flag Day. The most appropriate one is to fly an American Flag today and to renew the pledge of allegiance to the country that guarantees the liberty and justice for which it stands.

Flag flying from homes along every street will be much more realistic evidence of how most Americans feel about their country and the tasks confronting it than any action Congress may take to deal with a handful of kooks.

[From the Stroudsburg (Pa.) Pocono Record, June 14, 1967]

UNIQUE HOLIDAY FOR UNIQUE FLAG

It is easy to get sentimental about our flag, the 13 stripes and the stars that have grown from 13 to 50. The flexible arrangement of stars is unique in national banners and re-

flects the expansion to greatness of the U.S.A.

Our state is the only one of the 50, however, which recognizes the flag as reason for a legal holiday. This is Flag Day all over the nation but Pennsylvania alone has declared it a holiday, meaning government offices, at least, will be closed.

These days, especially, the flag deserves special recognition from the home front. Displaying it is part of the ceremony, respecting it is the essence of our heritage.

Except that we have recently noted the addition of two stars to the up-to-date flag of our country, the banner is often too much taken for granted. It takes its degradation abroad to remind us of how much the stars and stripes really mean.

Beyond our shores it has become a symbol of disrespect for Americans to burn our flag or stomp on it. Young Americans, even, in anti-war rallies in Sweden and England have recently made a petulant show of trampling the flag.

They are quite a contrast to the young men in Southeast Asia with a job to do for their country, who hoist the flag each day at their bases in Vietnam or wrap it too frequently on the coffin of a cohort who will never see the flag fly again on earth.

The flag-tramplers should know that their disrespect only adds to America's resolve to keep millions of our flags flying as symbols of freedom by each dawn's early light.

Mr. LONG of Louisiana. Mr. Chairman, lately we have all been saddened by the spectacle of public acts of desecration of the American flag, committed in the name of freedom of dissent and freedom of speech. However, it has become clear to the American people and to the Congress that America provides for sufficient opportunities for free speech and dissent without sacrificing the honor of the American flag.

It has become the duty of several Members of the Congress to propose legislation which would protect the national colors by prohibiting desecration of the flag and prescribing penalties to those who offend the conscience of the American people by casting contempt upon the American flag "by publicly mutilating, defacing, defiling, burning or trampling upon it." Mr. Chairman, I was one of those Members who saw fit to ask for legislation to prohibit the desecration of the American flag, and I want to urge the passage of H.R. 10480 as a reasonable and necessary bill, which will meet the purposes of all those who have sought such legislation.

The only difference between my bill and H.R. 10480, reported by the Committee on the Judiciary, is the section calling for penalties. I would ask for more severe punishment, but in the light of the deliberate study given this proposition by the Committee on the Judiciary I will defer to the wisdom of the committee.

It has also come to my attention that the United States has never before had a law prohibiting the desecration of the flag. Indeed, the United States has never before required such legislation to protect the national symbol of our most cherished principles. But in this day new and bold acts of contempt are being committed against the flag. And while these acts in themselves do not constitute a threat to our colors physically, they do threaten the morale and esprit de corps of those men and women called on to defend America.

It should not escape the attention of the Congress that while a few inconsiderate individuals in America demand an excessive license to destroy our national emblem in the name of free speech and dissent, literally hundreds of thousands of our bravest and best are exercising their right to defend the cause of freedom and liberty by offering their lives and hearts to the supreme sacrifice. This legislation then is not so much a measure to deprive some few of some obscure right as it is to give to our men in Vietnam the moral support which might well be the difference between life and death.

I have been to Vietnam twice, Mr. Speaker, and I am constantly amazed and immensely proud of the heroic conduct of our troops there. Passage of this bill can be the measure of America's confidence and support of these brave and selfless men.

Mr. MURPHY of New York. Mr. Chairman, we assemble today in the shadow of the American flag.

Yesterday was the 190th birthday of our flag. It was a time for all of us to pause and reflect on the significance of the flag as a symbol of not only a proud history but of a national strength and unity of purpose.

It is fitting, therefore, that we consider today a bill designed to protect that flag from abuse. The bill before us today—H.R. 10480—would prohibit and punish certain public acts of desecration of the flag. It is occasioned, according to the report, by a number of recent incidents involving public flag burning. I agree with the report that such public flag desecration should be prohibited and I support the provisions of the bill before us today.

However, I do not think the provisions are broad enough in scope to protect the flag from abuse. For this reason I will offer an amendment to the bill which would prohibit misuse of the flag and prohibit public display of the flag of a foreign government engaging the United States in war or armed conflict.

I have introduced legislation embodying these provisions since first coming to the Congress in 1963. My interest is the result not only of strong personal conviction, but also very strong and broad support from my constituents.

The first flag bill I introduced in 1963 was the result of my discovery that bales of old American flags were about to be shipped from New York to Germany to be used as shoeshine rags. A year later, one of my constituents notified me that a piece of an American flag had been used to line the pocket of a coat she had bought for her son. I asked the Federal Trade Commission to investigate the situation at that time. Since then I have found numerous similar incidents where the American flag has been used for commercial gain, or in a manner inconsistent with the respect which should be accorded the flag of the United States. As a result, in 1963 and every Congress since, I have introduced legislation to deal with this type of misuse of the flag.

Since a flag bill has already been reported without this provision, I offer it now as an amendment. It would establish a section 4 which would provide for the punishment, with a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for anyone who sells a flag of the United States or an article incorporating all or part of such flag, knowing that after sale the flag or article is intended to be used other than as an emblem of our national sovereignty, or in a manner inconsistent with the respect which should be accorded the flag of the United States. The amendment establishes another section—section 5—which gives the President authority to prohibit exportation of the flag in cases where he determines that the flag would be used in a disrespectful manner.

A third provision—section 6 of the amendment—stems from a number of recent antiwar demonstrations involving display of the flag of a foreign government engaging the United States in war or armed conflict, and would punish a violation with a fine of not more than $10,000 imprisonment for not less than 1 year, or both.

As the scope and intensity of the Vietnam conflict have increased, I have become increasingly convinced that the enemy believes we will grow weary of the war and abandon the fight. With the possibility that public dissent will prolong the war, it should be the duty of all who would dissent to do so in a responsible manner. Most of the dissent has shown such responsibility. But there is a minority in this country for whom the act of dissent is more important than the consequences of that dissent.

The public display of the Vietcong flag is clearly a violation of the rights of the majority, for it gives aid and comfort to the enemy and prolongs a war which the majority of Americans are determined to see to a just and honorable conclusion. There are differences of opinion as to methods and degrees of prosecuting the war, but there is strong support from a majority of Americans as to the general purpose of the war. If the will of the vast majority of Americans, the will of a majority of their elected representatives, and the will of their elected President is seriously obstructed by the irresponsible dissent of a minority, then it is no longer a question of the rights of that minority—it is, rather, a question of the rights of that majority.

Mr. Chairman, legislation prohibiting abuse of the American flag is long overdue. Many Congressmen, including myself, have sought such legislation for a number of years. Today, with hundreds of thousands of our men risking their lives in Vietnam, there is a special urgency attached to passage of strong flag legislation. I sincerely hope my colleagues will give serious consideration to my amendment, and I hope the flag bill will be passed without further delay.

Mr. PETTIS. Mr. Chairman, I rise in support of my bill, H.R. 9791, to prohibit desecration of the flag. I am gratified that my colleagues have expressed themselves so clearly on this subject so vital to the honor and dignity of our great Nation.

Nothing has sickened the American

people so thoroughly as accounts and pictures of unwashed, irreverent gangs burning and otherwise desecrating Old Glory. This banner, Mr. Chairman, has inspired hope in the hearts of freedom-seeking people through the world and pride in the sons and daughters of America for many generations.

It is to the credit of the American people that legislation protecting the flag has, until now, been unnecessary. The very thought of trampling on the sacred symbol of our free Nation is repugnant to all true Americans. It is, therefore, with the deepest sorrow that I now assert the urgent need for legislation penalizing such misconduct.

It is a very shocking experience, Mr. Chairman, to see our flag dishonored. This kind of defiance evokes within us feelings of shame and confusion. The appalling aspect of it all is that the manipulated people who act out these desecrations seek deliberately to produce this very shame and confusion. Wherever they conspire, these anarchists attack that which is sacred, beautiful, and fine. They realize too well that decent people simply do not know how to react to such disgusting action.

Behind a smoke screen of alleged humanitarianism they spit venom on the institutions and symbols of a nation that has, for generations, been the light of humankind.

It is not enough, Mr. Chairman, to penalize the dishonoring of our symbols of freedom and national sovereignty. Even as we pass this bill, I call upon my colleagues and all loyal Americans to rededicate themselves to the God given principles of freedom and human dignity that have made our Nation fine and great. Unless we do this, we shall lose all for which our fathers worked and fought and died.

Mr. HAGAN. Mr. Chairman, the right of dissent, as forged by our Founding Fathers, was not designed to sanction the desecration of the American flag. Those first Americans did not have in mind that the American flag could be defiled and desecrated without some form of punishment being administered. And certainly the Bill of Rights was never intended to protect those who would dishonor the very symbol of our freedom. Millions have fought and died defending the very meaning of the Stars and Stripes. It has served as an emblem of our sovereignty, but it is more than that; it is a reminder to the peoples of the world of those ideals of freedom and liberty for which the United States has always stood. It is a source of pride and honor to all true Americans.

I urge unanimous approval of legislation now under consideration to make public desecration of the American flag a crime.

Mr. BENNETT. Mr. Chairman, I urge the passage of this measure. Our flag is symbolic not only of our beloved country but of the highest ideals of mankind, clearly embodied in the heritage of our country. It is not symbolic of every statute or policy of our country; and the defiling of the flag is a senseless way to show disapproval of such statutes or policies. The acts prohibited by this means are in essence acts of inferred treason, anarchy and disloyalty to our country. A country has a right to put a criminal brand upon such behavior; and that is what this measure does. It is long overdue. My only regret is that it has become necessary to enact it.

Mr. GROSS. Mr. Chairman, I want to commend those members of the House Judiciary Committee and the Rules Committee who were instrumental in bringing this measure to the floor of the House.

Legislation to provide drastic penalties for desecration of the U.S. flag ought to have been adopted long ago. For much too long has a certain breed of individuals defiled, with almost complete impunity, our precious flag.

Mr. Chairman, the one serious defect in this bill is that the penalties are not adequate. I understand that an amendment will be offered to increase the penalties to a maximum of 5 years in prison or a $10,000 fine, or both. I will certainly support such an amendment and vote for the legislation.

Mr. ADAIR. Mr. Chairman, it seems to me the issues before us today are clear. The flag is the symbol of this Nation, her ideals, the memories of a glorious past, and the hopes for an even brighter future.

Those who desecrate the flag are showing by this act not only a lack of regard, but actual hostility to the things for which our flag stands.

Since they obviously entertain this hostility, such persons should not be permitted to demonstrate it openly, but instead should be sternly punished for their attitude and acts.

Mr. ROGERS of Florida. Mr. Chairman, as a sponsor of the bill which we are considering today, I would like to take the opportunity to express my satisfaction in the speedy way in which the Members of the House have acted to preserve the prestige of our national symbol.

We here realize that among the things which stand for the form of government we have dedicated ourselves to, probably none better represents those ideals than does the flag.

It has caused me great concern to read of incidents where this symbol has been defaced, desecrated, and scorned. As my colleagues here today, I, too, believe that we should act to protect our national standard.

As we stand firmly behind this legislation, I would also like to note that people of my district, and indeed I feel the people of the Nation, share our feelings on this matter.

I feel such action as these flag burners are a direct slap in the face to the servicemen in Vietnam and those throughout the world who are risking their lives to preserve the freedoms we now enjoy. I therefore urge passage of this bill.

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of H.R. 9503, a similar measure to prohibit desecration of the flag, I rise in support of H.R. 10480, and commend the Committee on the Judiciary for bringing this measure to the floor at this time.

This bill deals with our American flag, which we recognize has little material value. It can be bought for only a few cents or a few dollars so that any family, regardless of its economic circumstances, can afford to own one. Yet, nothing was ever purchased at greater cost to the people of this Nation.

Since 1795, when the Stars and Stripes, by an act of Congress, became the official flag of the United States, men have respectfully doffed their hats and stood at attention as this emblem of our national unity passed by, and citizens have proudly displayed their flags on our national holidays and on Flag Day, as they did just last week. Like Oliver Wendell Holmes, Americans have traditionally believed in "One flag, one land, one heart, one hand, one Nation, evermore."

Fortunately, the great majority of our citizens do have a deep and abiding sense of pride in their flag and all it stands for, and indeed it is deserving of all the honor which we can pay it as the symbol of our Nation and the high principles for which it stands. But there are in our midst today those who, under the guise of the very freedom which the flag symbolizes, would desecrate it and trample it underfoot. I think all responsible citizens have been dismayed and disgusted by these deplorable actions and the fact that anyone who would take refuge in the privileges and protection of American citizenship could even think of desecrating this symbol of our proud heritage.

Our flag was born in the turbulence of the American Revolution. It has survived challenge after challenge. It has inspired courageous men and women to make supreme sacrifices in its defense and that of the liberty it represents. Its seven red stripes remind us of the blood of countless thousands of brave souls who have perished on the fields of battle, yet its six stripes of white have remained unsullied, symbolizing the purity of the high purposes to which our Nation is dedicated. And its blue field with its 50 stars gives us hope for a future in which all men will live together in peace and dignity.

I am aware that individual States have various restrictions pertaining to proper respect for the flag, but these recent incidents have called attention to the absence of any Federal law—outside the District of Columbia, that is—which prohibits these shameful demonstrations of contempt. This is not due to previous oversight on the part of the Congress, however, but rather to a genuine feeling among the Nation's legislators over the years that the day would never come when it would be necessary to protect the American flag from Americans. Sadly enough, it now appears that the day has come.

This legislation will make deliberate attacks on our flag by irresponsible demonstrators and bold publicity seekers less attractive. Those who have been guilty of such unpatriotic behavior in the past have generally sought to justify their action as another means of dramatizing their dissent to some government policy or social inequity. But when they purposely desecrate the flag, they go far beyond the bounds of propriety in rational dissent. They belittle the lives of thousands of patriots throughout our history whose struggles and sacrifices have

brought to those who protest in this manner the very liberties they enjoy today. They decry the orderly democratic processes which have made this country great—and they make a mockery in the eyes of the world of the same sacrifices of American young men today who even in this hour are fighting and dying in the name of freedom.

I am not opposed to orderly dissent in our society. On the contrary, responsible and logical dissent is basic to our democratic way of life and should be welcomed. It is one of the truly great strengths of this Nation. It is one of the basic ingredients which makes our Republic function. Certainly this was recognized by the Founding Fathers, for they made ample provision in the Constitution for those who disagree to be heard. I do not believe, however, that the right of dissent is now, or ever was, intended to find fulfillment of expression in the desecration of our American flag, which should unite all Americans in allegiance "to the Republic for which it stands."

I think the time has come for those who love their country to remind those who would deride their heritage that whatever its faults, whatever its shortcomings, ours is still the best in the world. We recognize that it can be better, and must be better. But only through proper respect, not disrespect, for its institutions and traditions can there be hope of further greatness.

It is in this spirit that I wholeheartedly support the bill before us today.

Mr. BLANTON. Mr. Chairman, only last week Americans throughout this Nation commemorized Flag Day.

Today, we are debating a bill—H.R. 10480—which would establish Federal laws to protect the American flag from desecration by our own citizens.

I think that nearly all Americans are appalled by the necessity for such legislation. We have been accustomed to reading about the American flag being burned and desecrated in foreign countries. Yet it seems as if only in the past few years have there been widespread reports of flag burning here in our own country.

The Constitution of the United States, written at the birth of our Nation, does not speak of flag burning. Indeed, in those days, there were so few unpatriotic citizens that such a law was not thought necessary.

The first amendment to the Constitution prohibits Congress and the State and Federal Government under later interpretations from "abridging the freedom of speech." Under present day Supreme Court theory, symbolic protest such as burning a draft card seems to be protected as a right of free speech.

However, the flag of the United States of America is the symbol and emblem of our Nation, our heritage, and our people. If it can be sullied by those who purport to act under the shield of our Constitution, we are indeed entering a critical stage in our history. For those who would destroy the symbol of our Nation, our Government, and our people and cry for protection under our laws, let us now point to H.R. 10480. We have allowed this psuedolegalistic defense of flag burning, this de facto treason, for too long.

Freedom of speech, whether symbolic in actions or actual utterance of words, is sacred to a free society. But such a freedom does not give a wholesale license for free speech without responsibility. A duty and an obligation flows with each right. The right of free speech carries with it the obligation to be responsible. Flag burning, desecrating the national emblem, this is not responsible. Such protest is in utter contempt for the very society which allows free speech.

We are unique in the history of human civilization in that our country allows legitimate protest by every single individual. The right of protest against their Government is carried out through the ballot box. We have representatives in Congress and in responsible associations and groups to criticize and exert pressure on governmental procedures which the people object to. We have a free press which can criticize their Government. And we have the right to peacefully assemble to protest the actions of the Government. Such freedoms are rare in history for any people. Perhaps nowhere on the face of the globe today can citizens of a country make known their displeasure of their Government's actions as here in America.

But the flagrant misuse of these freedoms will lead to the destruction of them. That is why this bill is needed today. It is to serve as a brake on the misuse of freedom.

It is a pity, Mr. Chairman, that Congress has to act to save the national emblem from destruction by elements of our own citizenry. But it is an even greater pity that we have to admit to the world that we have spawned a small minority element of misfits who would use our freedoms as a tool to destroy them.

I support this bill wholeheartedly.

Mr. BINGHAM. Mr. Chairman, I have given long and serious consideration to the question of how I should vote on H.R. 10480, to prohibit desecration of the American flag.

Just as the flag is symbolic of our country, with little material or tangible significance, I believe the disposition of the bill before us will have mainly symbolic significance, and will have little tangible effect one way or another.

Laws of this sort, some far more objectionable constitutionally than H.R. 10480, are on the books of every State in the Union. Prosecutions have been rare. In my judgment, if H.R. 10480 is enacted into law, there will be few prosecutions under it. And I feel confident there will be no prosecutions where the intent of the offenders is not clear, indeed blatant.

Although distinguished experts have testified that H.R. 10480 would be unconstitutional as a denial of a kind of free speech, I do not find their testimony compelling. Certainly, flag burning or flag trampling has no traditional sanction as a method of expressing dissent with one's country's policies. Surely there can and must be some limit to the kind of physical act which may be permitted as an expression of such dissent. For example, few would argue that dissenters should have an inalienable right to spit in the face of the President or Vice President or to hit them over the head.

While I have great admiration for my friends who filed the minority views, I cannot agree with the implication of their statement that the real purpose of the bill is to stifle dissent as such, particularly with regard to our policies in Vietnam. I am sure that the distinguished lawyers on the Judiciary Committee who support H.R. 10480 have no such intent.

I would agree that the fact that this bill is before us is a symptom of the emotional state that our country is in because of the conflict in Vietnam. But to attempt to defeat the bill is to focus on the symptom, not the cause. Whether the bill is passed or not, the emotion will remain.

Moreover, it is worth noting in passing that the act of flag burning or desecration is so repugnant to most people that it tends to stir up raw emotions, to make rational debate and discussion more difficult. Indeed, under some circumstances, such acts could certainly be regarded as a kind of incitement to riot. In this sense, the bill before us could be said to be aimed at acts which may tend to result in the stifling of dissent.

In addition to the feelings of frustration, grief, and anger over the continuous loss of American lives in Vietnam, there is involved here the sentiment most of us normally feel for the American flag. I am one of those who was brought up to treat an American flag with special respect—for example, never to let it touch the ground—and I react with anger and disgust at any desecration of the flag.

Like most of my colleagues, I enjoy presenting flags that have been flown over the Capitol to community groups such as Scouts, and when I do so, I invariably urge the recipients to take good care of the flag. Like most Americans who have traveled abroad, I have sometimes been surprised at the strength of my own reaction when suddenly seeing an American flag flying on a ship or an American installation.

It is emotions such as these that must be taken into account in considering this bill and the events that led to its being brought before us.

In judging what my own vote should be, I have in the last analysis been influenced by the thought that the vast majority of my constituents who are fighting in Vietnam would no doubt want me to vote for this bill, that they would somehow feel a vote against it would show a lack of support for them, and a lack of appreciation for their friends who have been killed and whose caskets have been draped in this same American flag.

This is not to say that I am necessarily guided in other matters by the views presumably held by my constituents in Vietnam. For example, in speaking and voting for cessation of U.S. bombing of North Vietnam, as a way to achieve negotiation and ultimate peace, I am aware that most of our fighting men in the area, looking mainly at the immediate and short-range aspects of the

problem, probably disagree with my point of view.

But in considering H.R. 10480, I feel no such conviction that my constituents in Vietnam are mistaken.

Accordingly, I shall vote for H.R. 10480.

Mr. FULTON of Pennsylvania. Mr. Chairman, I support the proposed bills before the 90th Congress to protect the honor and respect of the American people for the flag of the United States of America.

We Americans must remember that the flag is one of the official symbols of a united nation of 50 sovereign States. The flag is not simply a decoration, nor yet a form of instrument, but is in and of itself a reflection of our history, our patriotism, and the loyal support by the American people of the Government of the United States of America.

The loyal support of American citizens for our Government, depends not on whether we agree or disagree on the day-to-day policy of our Government at home and abroad. This loyal support of our American people does not depend upon the person elected to any office, or even to the highest office bestowed by the American people, the President of the United States of America. Such variety of opinion and recommendation for possible courses of action to be taken by our Government are likewise the heritage of every American.

I therefore strongly recommend legislation be passed by this Congress protecting the American flag as a shining symbol of hope, progress, and security for the American people in these troubled times, and for many millions of people without hope at home in troubled areas of this world.

Congress of course must protect the right to disagree of every American citizen, as well as the right to petition and take steps to change U.S. policy of any kind or variety. This kind of freedom does not extend to the vicious acts which would destroy and defile, or trample under foot the loyalties of the American people to the U.S. flag, as one of our great heritage symbols.

In my opinion, destroying, burning, trampling, or otherwise intentionally degrading the U.S. flag is not only to be construed as an act of disagreement, but goes much further, and constitutes an act of disloyalty.

Under these circumstances, I therefore believe and strongly recommend the passage of these proposed resolutions which will prevent destroying, burning, trampling, or otherwise intentionally degrading the U.S. flag. My own resolution which I have sponsored is H.R. 9183.

I am including in my remarks the letter and resolution of May 22, 1967, of Brookline Post No. 540, American Legion, of which I am a member. This post strongly endorses legislation that makes desecration of the U.S. flag a Federal offense.

I am proud to present the Statement of the Legion of Valor of the United States, Inc. from their General Orders for Flag Day 1966:

I am Old Glory: For more than eight score years I have been the banner of hope and freedom for generation after generation of Americans. Born amid the flames of America's fight for freedom, I am the symbol of a country that has grown from a little group of thirteen colonies to a united nation of fifty sovereign states. Planted firmly on the high pinnacle of American Faith my gently fluttering folds have proved an inspiration to untold millions. Men have followed me into battle with unwavering courage. They have looked upon me as a symbol of national unity. They have prayed that they and their fellow citizens might continue to enjoy the life, liberty and pursuit of happiness, which have been granted to every American as the heritage of free men. So long as men love liberty more than life itself; so long as they treasure the priceless privileges bought with the blood of our forefathers; so long as the principles of truth, justice and charity for all remain deeply rooted in human hearts; I shall continue to be the enduring banner of the United States of America. I am Old Glory!

BROOKLINE POST NO. 540, INC.,
THE AMERICAN LEGION,
Pittsburgh, Pa., May 22, 1967.

Congressman JAMES G. FULTON,
Washington, D.C.

DEAR COMRADE JIM: Whereas, we the more than 500 members of Brookline Post 540 feel that a greater respect should be shown the flag of our Country, and

Whereas, there have been numerous incidents related in the newspapers and on television of flag burning and desecration, and

Whereas, we feel that a severe penalty should be imposed on those who defile our red, white and blue that many of us have fought to protect and uphold, and

Whereas, there is now no law on the Federal statutes that makes desecration a Federal offense,

Therefore, be it resolved that we ask you as an American and a law maker to work to get Bill No. 515 out of committee and on the docket and have legislation passed to put our flag over and above traitors and common punks.

FRED C. WESLAGER,
Adjutant.

Mr. Chairman, I am proud also to present a letter I received this very morning from Pfc. N. G. Kniedler, 1st Battalion, 26th Marines, B Company, 2d Platoon, in Vietnam. The flag is a source of inspiration, encouragement, and support to the men fighting for the principles of freedom and justice in the jungles of Vietnam today. The letter speaks best for itself:

DEAR CONGRESSMAN FULTON: I received the flag that you sent to us, and it is now proudly flying over hill 881 South.

It is a little dirty because it has been raining for the past 3 days and the bunker that I live in collapsed, but we washed it out and put it back up again.

I don't think that I have to tell you how much it has raised the morale up here on the hill. It very fittingly flew for the first time, at half-mast, on the 9th of June, the day after our company suffered 18 kills and approx. 23 wounded.

I have some pictures of the flag flying on the hill and will send them to you as soon as they get developed.

Thanks again,
Sincerely,

N. G. KNIEDLER.

Mr. BUCHANAN. Mr. Chairman, Americans have the right to dissent, to protest any government policy, foreign or domestic, and to freely voice and demonstrate their views. This does not imply, however, the right to destroy or trample upon a symbol sacred to millions of their fellows, the flag of our great Republic. This body has the right and the duty to protect our flag. In so doing, it truly fulfills its purpose as the people's branch of the U.S. Government.

There is no more forceful way that the American people can speak than through an Act of Congress. In passing this resolution we are saying with and for them, "We love our country. We honor our flag." Too many Americans have given their lives for the Republic and the freedoms for which Old Glory stands for us to permit it to be wantonly or willfully abused in our time. We keep faith with them and with the magnificent young men who now defend this banner in Southeast Asia, in the passage of H.R. 10480 today.

Mr. FRASER. Mr. Chairman, this bill is ill advised. It is an overpowering response to the misguided behavior of a few. It is unnecessary because each of the 50 States already has laws dealing with this subject.

The primary symbol of the United States is the U.S. Constitution. It is the devotion of our people to the institutions enshrined in that Constitution which makes our Nation strong. Yet I doubt that the demonstration of public contempt against our Constitution can lawfully be made a crime.

I do not know whether this measure is constitutional or not, but I do know that it contains a definition of the flag which is badly stated, that it has penalties substantially more severe than those of the States, and that it is written primarily as a response to the revulsion which the behavior of a few has induced in the Members of the Congress.

This Nation has survived for almost two centuries without the need for this measure. We will do better for ourselves and for posterity if we devote ourselves to the love of country and its institutions, rather than enacting redundant legislation in anger against the few from whom commonsense and good judgment have fled. As has been said on the floor of the House, these people who burn or destroy the flag are sick, but this measure will not heal them.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 10480, a bill which would make it a Federal offense to desecrate the American flag.

I rise in this Chamber to express the views of the overwhelming majority of the people of Hudson County, N.J., Democrats, Republicans, and Independents, who are outraged at photographs and accounts of flag desecrations which have occurred in various parts of this Nation. In my four terms in this House I have never heard the people of the 14th District of New Jersey speak with one voice as they have on this issue.

When I address this House today, I am voicing the views of my constituents who do not take lightly the desecration of this Nation's flag. And as their Representative in the Congress of the United States, I share the contempt of the people I represent for those who are so ignorant or contemptuous of this Nation as to commit such an act.

Mr. Chairman, I am hardly a super patriot or flag waver, but I am old fashioned enough to get a sick feeling when I see this kind of offense being committed. I urge all Members of this House to join in support of this badly needed measure.

Mr. PEPPER. Mr. Chairman, I proudly rise in support of this measure a companion bill to which, H.R. 8980, I have introduced which would provide Federal penalties for anyone who shall desecrate the flag of the United States.

Breathes there a man with soul so dead
who never to himself hath said this is my
own my native land.

These words of a great American patriot should apply as well to the flag of our country and we should with equal fervor ask—

Breathes there a man with soul so dead
who never to himself hath said this is my
own my nation's flag.

Mr. Chairman, it is difficult to believe that there is anyone in this broad and blessed land to whom the sight of our flag—the Stars and Stripes, Old Glory—does not bring the thrill of patriotism. It was that flag which our Founding Fathers created as a symbol of our Republic. It was born in travail, sacrifice, and bloodshed. Throughout the long hard struggle of the Revolutionary War brave men and women gave or offered their lives that we might have this land of freedom, this land of golden opportunity, this land of unsurpassed fertility and unequaled beauty where all men could pursue their highest aspirations and cherish their dearest dreams. Our flag is the symbol of all that this land means to us and of all our hopes and dreams of what it may ever be.

For nearly two centuries brave men and women have proudly given their lives for that flag and for all that it means. Many with the fire of patriotism in their eyes and the inspiration of that noble flag in their hearts have rushed into the jaws of death—into the arms of eternity. Innumerable others have given precious portions of their bodies, others the mysterious stabilizers of their minds and yet more, all the things they held most dear, to be worthy of that flag and to be true to it. On a thousand battlefields, in every part of the earth, in the dark depths of every ocean, and in the skies which lie about the earth, brave Americans have valued that flag above life and limb and liberty and all else they valued. That flag, to every American who loves his country, who is grateful to it for its manifold blessings, shall forever be the symbol of "one nation under God, indivisible with liberty and justice for all."

It is deeply regrettable that there be those in our land to whom the sentiments of patriotism are not sufficient restraint upon their hands which would defile this flag, upon their feet which would trample upon its noble folds. It is hard to believe that there are in this broad land those who need the command of law instead of the compulsion of patriotism to make them attribute to our flag the respect which it is due. But, Mr. Chairman, if there be those so insensible of the sentiments of love and respect of their flag; if there be those so base in their ingratitude for all that this land affords them; if there be those so blind in eye and mind and soul that they do not see that flag, the sacred symbol of this glorious Republic, this citadel of freedom, this blessed land, which more than any other upon the earth satisfies the hunger of the body, the mind, and the spirit: I say, Mr. Chairman, if there, to our shame, be such as these among us then let us no longer delay in laying upon them the stern admonition of the law of this Republic with the heavy penalties it provides. Let such offenders know that this Congress will not tolerate the desecration of our flag. Let them who would desecrate the flag of the United States know that the Congress which created Old Glory will protect it against those so depraved that they would defile it.

Mr. Chairman, let us all hope and pray that by the enactment of this measure we shall penalize those who would defile our flag; but that we shall also call forth a new burst of patriotism from all the people of America; that we shall summon our fellow Americans to a new love of that flag and a new dedication to all for which it stands.

Mr. Chairman, I close by quoting three stirring poems about our beloved flag which will quicken the sentiments of patriotism in every loyal American heart:

THE FLAG GOES BY
(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky!
Hats off!
The flag is passing by!

Blue and crimson and white it shines
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high;
Hats off!
The flag is passing by!

YOUR FLAG AND MY FLAG
(By Wilbur D. Nesbit)

Your flag and my flag,
And how it flies to-day
In your land and my land!
And half a world away!
Rose-red and blood-red
The stripes forever gleam;
Snow-white and soul-white
The good forefathers' dream.

STAND BY THE FLAG
(By John Nichols Wilder)

Stand by the flag! On land and ocean billow
By it your fathers stood unmoved and true,
Living, defended—dying, from their pillow,
With their last blessing, passed it on to you.

Stand by the flag, all doubt and treason scorning!
Believe with courage firm, and faith sublime,
That it will float, until the eternal morning
Pales in its glories all the lights of Time!

Mr. LANGEN. Mr. Chairman, I am pleased to join with my colleagues today in supporting passage of H.R. 10480, a bill to prohibit desecration of the flag.

With all the national publicity given recent flag-burning and flag-marring incidents, it is only fitting and proper that Congress enact legislation to make desecration of the flag a Federal crime. The burning of our national flag at a so-called peace demonstration in New York City in April should be reason enough for Federal legislation to prohibit such shameful and despicable incidents. Accordingly, the House Judiciary Committee is to be commended for vigorously recommending passage of this necessary anti-flag-abuse bill.

H.R. 10480 prescribes a moderate penalty for flag desecration—imprisonment up to 1 year or a fine up to $1,000, or both. I would have been more satisfied with the stronger penalty provided in my bill, H.R. 3925—imprisonment up to 5 years or a fine up to $10,000, or both. The important thing, however, is that we are passing legislation aimed at deterring and punishing those who would desecrate the symbol of our freedom and proud heritage. In this manner we are protecting the flag.

Last Wednesday, during Flag Day ceremonies here in the House Chamber, we appropriately honored those servicemen who know what our flag really means. Seated with us were several outstanding fighting men who had seen action in South Vietnam. They are, indeed, our Nation's gallant men—exemplary citizens who have valiantly fought on the side of freedom, for which the flag stands.

Contrast their demonstrated patriotism with the antics of those who would burn or otherwise mutilate our flag.

Last week marked the 190th anniversary of the adoption by the Continental Congress of the Stars and Stripes as the official flag of this Nation. This week the House of Representatives has the honor and privilege of passing legislation to insure its protection.

Mr. BERRY. Mr. Chairman, I rise to urge that this legislation be overwhelmingly approved by the House. As a coauthor of the bill under consideration, I am hopeful that we can send this measure to the President for his signature as soon as possible.

The American flag is much more than a piece of cloth. It is the symbol of the entire United States and the traditions of order, freedom, and human dignity which our country represents and insures. Anyone who burns the flag, is setting fire to the institutions, beliefs, and laws of

our Nation as well. Anyone who maliciously defiles or mutilates the flag is not exercising a right or freedom but is showing his defiance and disrespect for freedom and rights under the law. He destroys the common property of us all.

It is unquestionably clear that demonstrations and flag burnings are an integral part of the lawless and disorderly movement in our country to oppose the U.S. role in Vietnam. It is also unquestionably clear that our enemy in Vietnam has made great use of these flag burnings in their propaganda efforts.

The flag is also the embodiment of our American civilization. Contempt for it is an anarchistic contempt for the finest country yet made by man. I urge that this bill be approved.

Mr. ROGERS of Colorado. Mr. Chairman, could I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Colorado has 1 minute remaining, and the gentleman from Illinois has 6 minutes remaining.

Mr. GALLAGHER. Mr. Chairman, we have heard a lot of talk recently about Samuel Johnson's famous—or infamous—remark about patriotism being the last refuge of scoundrels. I believe that Dr. Johnson did not intend to imply that all patriots were scoundrels; rather, he meant that when all possible disguises have been exhausted, a scoundrel will wrap himself in the flag. A comparison may be made with those who disagree with the policies of our country. When they feel that they have exhausted all possible avenues of dissent, the scoundrels among them will make a visible protest by burning or otherwise desecrating the American flag.

Let me state at the beginning of my comments that I believe that the vast majority of those in the militant peace movement are Americans first and dissenters second. Most of them are also quite young and are actively in revolt against all kinds of authority: parents, police, teachers, and their country's leaders. It may very truly be said that the purpose of youth is to do things which outrage their elders. The cries of rage which have been heard around the land about flag desecration incidents show how well they have succeeded. In many cases, these incidents are a further skirmish in the war between the generations and are only indirectly related to the protest over the war in Vietnam.

In a sense, the burning of the American flag may be viewed as an extension of the current habit of American youth of burning the symbols of society. We have seen how draft cards have been burned and it does not take much stretch of the imagination to predict other acts which may follow. Those fighting for safer automobiles will burn their driver's licenses; credit cards will be burned as a protest against the affluent style of American life; social security cards will soon be burned as a protest against working for a living. These acts are frivolous when compared to burning the American flag, but I mention them in an attempt to restore a little balance to our debate today.

Mr. Chairman, I rise today more in sorrow than in anger. Last week this House witnessed the annual Flag Day ceremonies, an impressive and soul-stirring display of pageantry and music. It is unfortunate that the very next week we are compelled to pass a bill which will prohibit the desecration of what we so wholeheartedly honored on June 14. I am proud to associate myself with the eloquent words which have been spoken about the noble history of sacrifice that has made the American flag the symbol of freedom and hope to so many people around the world. I believe, however, that the tone and language used by some of my colleagues has tended to add to the confusion of dissent with disloyalty. I regard it as an outrage that our flag has been mutilated, but I do not believe that that is an excuse for us to descend to the low level of taste and intelligence of those who performed this senseless act.

I believe that those who would defile the American flag, while a tiny minority of those in the protest movement, do present us with sufficiently offensive conduct to warrant the passing of this bill. Too many Americans have given blood, sweat, and tears to defend and preserve this Nation, of which the flag is the visible representation, for us to be able to regard its public destruction as a part of the continuing and legitimate dialog over national policy.

In praising the principles of democracy, we can not continue to allow practices which cast contempt on the flag under which dissent is allowed. These people are not only unable to distinguish between a symbolic act which will aid their cause and a stupid act which will injure their movement, they also go beyond the bounds of the protection of the first amendment.

By making flag burning a Federal crime we are saying that we have all paid a price for this flag, that it belongs to the Government and is, in a symbolic sense, that Government. While we may criticize the man who holds a high Federal office, we must still continue to have respect for that office. In the same sense, we can criticize the policies of our Government, but we have an obligation to have respect for that Government. The flag is the ultimate representation of our Nation and it must be treated with respect and handled with dignity.

There is some disagreement about whether the flag symbolizes sentiment or history. I believe that history has created a sentiment—a strong surge of sentiment—and that that sentiment is embodied in our flag. It has been seriously said that the flag is only a piece of colored cloth. We would, therefore, have to say that the Constitution is only a piece of paper and that the Capitol and the White House are only old buildings. What nonsense. We would then be required to hold that a cross is merely two sticks nailed together or that a swastika on the side of a synagogue is merely paint on stone.

The most important thinkers of the 19th and 20th centuries have taught us that symbols have emotional meaning. Those who would have us reject this legislation claim to be able to see a little deeper and to have a little clearer understanding of Americanism. Well, I would suggest that they look even deeper, and possibly even beyond Americanism. There they will see the psychological truth that symbols have a vital meaning to the human personality, are a cohesive force in human society, and frequently define humanity itself. Toleration of dissent is essential in a viable society; but acts which attack the very fabric of society must be forbidden.

It is my hope, and it is the main reason why I support this bill, that by making flag burning a Federal crime and thus discouraging and punishing it, we may be able to introduce a cold shower of fact into the hot bath of emotionalism that such senseless acts create.

Mrs. BOLTON. Mr. Chairman, I support H.R. 10480, to prohibit desecration of the flag, and trust that it will be passed by a practically unanimous vote. Along with a number of my colleagues, I introduced a similar bill.

Recently we saw on the same day in the same newspapers pictures of American young men facing danger and death in Vietnam and pictures of other American young men burning their Nation's flag in the safety of an American park. In the last Congress we passed a law making the burning of draft cards a Federal offense. Should not the burning of our flag by Americans be as much a crime against our Nation and our people as the burning of draft cards?

One of the greatest strengths of this Nation is the right of dissent. The right was established by our Founding Fathers and must remain inviolate. However, the right of dissent from particular policies or with particular individuals never was intended to sanction the desecration of the American flag, which is the symbol of our national heritage and unites all Americans in allegiance to the Republic for which it stands.

Mr. PHILBIN. Mr. Chairman, this bill would prohibit the desecration of the American flag.

It provides that anyone who casts contempt upon the national emblem by publicly mutilating, defacing, defiling, burning, or trampling upon the flag shall be punished for such contemptuous acts.

There is in this bill no restriction of the right of free speech or lawful protest, no intent to deny to any person any of the rights guaranteed by the first amendment to the Constitution.

The bill would not deprive any State of its present jurisdiction over any offense against the flag which is now State law. It provides for concurrent jurisdiction by the several States and the Federal Government over offenses against the flag of our country.

I do not wish to speculate upon the motives of those who practice contemptuous actions against the flag, whatever form or shape that irreverent, most reprehensible conduct may take.

To me, the right and duty of Congress to enact this law is elementary and fully justified by the Constitution. In fact, we would be unresponsive to the will and demand of our respective constituencies and the American people, if we fail to pass this law.

The Nation is facing serious problems at home and abroad that require the unity, loyalty, and unquestioned allegiance of all Americans, regardless of race, class, or creed.

This is a time when, above all, we must support, sustain, and uphold the national purpose, security, safety, and freedom.

We cannot stand by idly while violence, civil strife, disorder, and disloyalty threaten the Nation, and cast contempt and hatred upon the symbol of our liberties.

The passage of this bill is necessary and well justified, and I hope the House will enact it by an overwhelming vote.

Mr. CABELL. Mr. Chairman, in supporting this legislation, I call to the attention of all members the dire necessity for such action.

This is in opposition to the statements made, however sincere in some instances, by those opponents who question this necessity.

In the first place, there is a growing element which is disdainful of all proprieties of conduct, and which is openly contemptuous of our American institutions and of the flag as a symbol of these institutions. This misconception must be corrected. While this bill, when finally enacted, will not change the thinking of all involved, it will at least provide punishment for those who display such contempt in public.

Another need, and an important one, is to prove to the vast majority of the American public that the Congress does not condone such actions and will not tolerate their continuation.

While it is true that all 50 States and the District of Columbia have similar laws, the fact remains that this is a matter of Federal concern, thus meriting Federal prosecution.

In many States the trial jury not only determines guilt, but also fixes the penalty. This is done without the jurors having full knowledge of the record or prior convictions of the accused. Thus in many cases there is a miscarriage of justice by the assessment of either too light or too severe a penalty, as the case may be.

Under the Federal judiciary, the judge is in possession of all the facts concerning the accused, and can tailor his sentence accordingly.

Should the accused be a "misguided kid" as so many would have you believe, the fine and/or jail term can be tempered and will still be a deterrent to further such acts and an admonition to choose different companions.

On the other hand, the judge can assess the maximum fine of $1,000 and/or the maximum jail sentence—1 year—against the professional agitator and anti-American.

There were many who considered the maximum penalty far too lenient. This would appear to be true, but as has been pointed out by both the authors and floor managers of the bill, stiffer penalties might well result in the courts ruling them too severe for the crime involved and thus strike down the act itself.

It is inconceivable to me that this could happen to the bill as written.

It is my considered opinion that this bill in no way abridges the rights of freedom of speech, peaceful demonstration, or right to dissent.

To the contrary, it protects those rights by preventing abuses of them by those who would destroy our democracy by tearing down its institutions.

Mr. CULVER. Mr. Chairman, like the great majority of Americans, I am dismayed by the extremes to which an irresponsible and immature minority have carried their disagreement with American policy. Burning or desecrating the flag is a particularly offensive means of expressing dissent, because the American flag is the truest emblem of the United States and, as such, deserves respect.

However, in considering such ill-tempered and indecorous behavior, it is better not to lose our temper, but to temper our response, lest we only serve to aggravate the very condition we seek to remedy.

With this in mind, I voted against the so-called flag-burning bill, because in my judgment it is unnecessary, unconstitutional, and unwise.

UNNECESSARY

First, it is unnecessary, because all 50 States have adequate laws to punish the desecration of the flag. In my own State of Iowa, the statute was enacted in 1917, and the need has not yet arisen to prosecute an offender.

The Federal Government does not have the necessary national police force to enforce such a law, and I do not think that we need to go to the time, effort, or expense to create concurrent jurisdiction over so rare and local an offense.

UNCONSTITUTIONAL

Second, as a lawyer, I agree with the 11 law professors and the chairman of the House Judiciary Committee, who believe that the law is unconstitutional.

The first amendment specifies:

> Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people . . . to petition the government for a redress of grievances.

The courts have consistently held that this guarantee extends to include symbolic forms of expression—picketing, demonstrating, gesticulating, and the like.

Free speech and symbolic dissent may be restricted in the case of clear and present danger to national security. The witless action of a misguided flag burner scarcely holds that threat.

Additional constitutional questions are raised by the vagueness of the bill's language. There is no provision requiring the demonstration of "specific intent" to "cast contempt upon" the flag. And the law is so written as to include not just the flag but representations of the flag as well.

As a result, a citizen could be found guilty even though he did not intend the consequences of his action.

Further, an individual could be punished in a State court and later in Federal court for a single act, and it would not be in violation of the double jeopardy clause of the fifth amendment.

UNWISE

Finally, I strongly feel that this legislation is unwise, and in fact cheapens rather than strengthens the values which our flag and this great Nation represent.

Totalitarian nations must rely on coercion to command the respect and maintain the loyalty of its citizens. The police state is forced to admit to other nations the weakness and instability of its regime by refusing to allow free speech or open dissent.

To its unique credit, the American Government has retained the allegiance of its citizens without force or threat for 176 years. To compel that loyalty now under law would only confess to ourselves and to the world a fear and lack of confidence in the flag and the Nation it represents.

The Soviet Union found it necessary to enact similar legislation 7 months ago. The United States does not need it.

To make a Federal offense out of isolated incidents is to magnify the cause of the irresponsible and inconsequential dissenter, and may very well result in increasing such occurrences, by promising false martyrdom or by provoking litigation to test the constitutionality of the law.

I have generally supported the U.S. position in Vietnam, and I have the highest respect, admiration, and gratitude for the heroic young Americans who are fighting there in defense of freedom.

It would be the greatest tragedy of the war if our patriots were to accomplish their mission in the battlefield in Vietnam, only to discover that politicians had legislated away their freedoms here in the House of Representatives.

I am persuaded by the argument of a young soldier in Vietnam, which appeared in Time magazine, page 5, May 26, 1967:

> We soldiers realize that dissent may be lengthening the war, or at least reducing any inclination the North Vietnamese might have to negotiate. But Congressmen . . . and others who try to stifle dissent, are seeking to destroy one of the very freedoms we're defending. We'd rather [have] the abuse [of] these freedoms than have our Congressmen limit and destroy them.

Congress and the American people must rise above the emotionalism and provocation of the moment, to preserve long-term constitutional principles over momentary patriotic fervor.

Mr. ALBERT. Mr. Chairman, I wish the RECORD to reflect the fact that I am numbered among those who support the passage of the bill, H.R. 10480, being legislation meant to protect the flag of the United States, and to prevent its desecration. It is true, as some have contended, that those who have publicly mutilated, burned, or scorned this glorious emblem of the Nation cannot thereby injure this great and powerful country, beloved by the vast overwhelming majority of its citizens. But, Mr. Chairman, that is not the point. The purpose of this legislation is to express in a forceful way, by providing criminal punishment for those who desecrate the flag, the massive disapproval of the great American people for the criminal behavior of those persons who would dishonor a banner of such beauty and glory, a symbol of the courage and sacrifice of those who have followed its colors and

who have held it high in every generation and on every American battlefield.

Mr. Chairman, this flag, displayed in these congressional halls, was the flag of the patriots who under General Washington, at Trenton, surprised and defeated the trained Hessian soldiers fighting the battles of the British King. That flag inspired them, though their forces were small, their weapons antiquated, their powder supply inadequate, their armies poorly fed and poorly clothed, to endure 8 years of unmitigated warfare against the most powerful empire of the 18th century. It was the flag of those dauntless Americans who wrecked the rule of Tripoli's pirates to whose monarch all Europe had contributed ransoms of silver and of gold. It was the flag of Jackson and his southern riflemen, endowed with the same spirit of liberty, who drove the British back to their ships in the battle of New Orleans. It was the flag which emerged from the cauldron of civil war, a fratricidal struggle between those of equal bravery, to become the banner of a nation then united, and united now and forever. It was the flag of those who with Theodore Roosevelt stormed the heights of San Juan Hill, and won the independence of Cuba. It was the flag of Dewey, of the flotilla of American battleships as they drove the Spaniards from the harbor of Manila. It was the flag of the battalion of death when it met God in the Argonne on the battlegrounds of international carnage. It was the flag of soldiers brave and true who died in the invasion of Normandy, and restored the liberty of France. It was the flag raised above Iwo Jima. It was the flag of the heroes of Heartbreak Ridge who fought and died in Korea. It is the flag of courageous and loyal Americans who for us, for liberty, for democracy face death in Vietnam. Mr. Chairman, the legislation before us upholds and honors the flag of the United States of America, the flag Americans adore. And may God bless and preserve the purest, greatest flag in all the world.

Mr. McCLORY. Mr. Chairman, I have no further requests for time, but I would like to commend all of the speakers who have spoken on this legislation today. I believe we have heard some very eloquent statements, and in that description I wish to include the remarks of those who have voiced their opposition to this legislation.

However, I do want to say that there is a great public demand for this legislation, as all of us know. There is a great demand for this legislation from the boys who are fighting in Vietnam, as well as the rest of the American public. This legislation does not go simply against words; it goes primarily against conduct, and it is clearly distinguishable from some of the decisions to which some of those who have spoken in opposition have made reference. This is sound, constructive legislation, and I am hopeful we can have an overwhelming vote in support of it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to point out that in presenting this legislation the Committee on the Judiciary considered all of the testimony that was presented, and out of the 90 bills which were introduced the committee tried to develop what we thought was the best bill that could be reported, and we came up with a bill that has had the joint sponsorship of all but one of the members of the subcommittee.

Mr. Chairman, I hope as we go into the 5-minute rule that the Members will remember that we have put a great deal of study into this bill, and that the Members will not propose amendments that will weaken this legislation.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 10480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 18, United States Code, is amended by inserting immediately preceding section 701 thereof, a new section as follows:

"§ 700. Desecration of the flag of the United States; penalties

"(a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) The term 'flag of the United States' as used in this section, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

"(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, is amended by inserting at the beginning thereof the following:

"§700. Desecration of the flag of the United States; penalties."

SEC. 3. (a) Section 3 of title 4, United States Code, and the Act of February 8, 1917, chapter 34, 39 Stat. 900 (section 22–3414 of the District of Columbia Code), are amended by striking from the first sentence of each the following: "; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign,"

(b) The Act of February 8, 1917, chapter 34, 39 Stat. 900 (section 22–3414 of the District of Columbia Code), is further amended by adding "(a)" before the first sentence thereof and by adding at the end of the section the following new subsection:

"(b) Whoever, within the District of Columbia, casts contempt upon any flag, standard, colors, or ensign of the United States of America by publicly mutilating, defacing, defiling, or trampling upon any such flag, standard, colors, or ensign shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

Mr. ROGERS of Colorado (during the reading of the bill). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the bill, and that it be printed in the RECORD and be open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, line 9, after "defiling," insert "burning,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 17, after "defiling," insert "burning,".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment which is a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 3, lines 1 through 19, strike Section 3 and insert in lieu thereof a new Section 3, to read as follows:

"SEC. 3. Section 3 of title 4, United States Code, is amended by striking from the first sentence thereof the following: "; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, '."

Mr. ROGERS of Colorado. Mr. Chairman, in my statement earlier I pointed out that the real purpose of this amendment is to delete all reference to the act of February 1, 1917, and the District of Columbia Code.

The only law today applicable in the District of Columbia on the subject of flag desecration is found in title 4 of the United States Code. The bill does amend that provision. The deletion of all reference to the District of Columbia Code in section 3 will not make any substantial change in the bill.

Mr. ICHORD. Mr. Chairman, I move to strike out the last word.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman.

Mr. O'HARA of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ICHORD. Mr. Chairman, I intend to vote for this legislation because, frankly, I could care less how long a man is incarcerated who desecrates the flag of the United States of America.

But I rise to ask a few questions of the Members of the House and to state the

dangers in passing this piece of legislation. I rise not for the reasons of the gentleman from Michigan or the gentleman from New York or the gentleman from California. Our philosophies are poles apart. I do not question the sincerity of the 11 law professors whom the gentleman from California cited.

But the argument that a Vietcong sympathizer has the right to burn the flag and desecrate the flag of this country, the symbol of the United States of America, is in my opinion not the argument of a civil libertarian—it is the argument of a civil libertine.

It is a philosophy that is saturated all too deeply with the seeds of anarchy. It is a philosophy that spells ill for the future of this country.

I, too, agree, Mr. Chairman, that you cannot legislate patriotism and I think that this body would be making a mistake if it feels that by passing this legislation it would be getting to the roots of the real problem.

For 178 years there has not been on the statutory books of the United States of America a criminal statute providing a penalty for the desecration of the flag of the United States of America. I think we should ask the question, Why have we not had such a law? The answer is very simple: It has not been necessary to have such a law throughout the entire history of the United States of America.

What would have happened 10 or 20 years ago if a citizen of the United States of America had the audacity to burn the flag of the United States of America? I believe we all know what would have happened. He would not have been able to leave the scene of the burning.

Mr. Chairman, I have had the opportunity since I have been in Congress to deal with the type of people who are desecrating the flag because of my committee assignments and I feel that we have overlooked a very important point.

Show me a child, for example, who has not been subjected to discipline and I will show you a child, 99 times out of 100, who will have no love or respect for his parents.

The same is true of certain citizens who have not been subjected to the discipline of fair and firm enforcement of the laws. Love and respect for country are concomitants of fair and firm discipline.

Perhaps the real answer to the problem with which we are now concerned lies in more diligent, fair, and firm enforcement of the laws now on the books.

Mr. Chairman, our citizenry and law-enforcement officials should harken to the words of Abraham Lincoln, a great lover of liberty and respect for law and order.

> Let every American, every lover of liberty, every well-wisher to his prosperity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country * * * Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother, to the lisping babe that prattles on her lap—let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and young, rich and poor, the grave and gay, of all sexes, tongues and colors and conditions, sacrifice unceasingly upon its altars. * * *
>
> While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom.

I hope, Mr. Chairman, we do not think we have solved the problem by the passage of this legislation and that laxity in the enforcement of laws already on the books does not prevail in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CORMAN

Mr. CORMAN. Mr. Chairman I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CORMAN: Strike all the language on page 1, lines 8 and 9, and on page 2, lines 1 and 2, and insert in lieu thereof the following: "(a) whoever with intent to cast contempt upon the flag of the United States publicly mutilates, defaces, defiles, burns, or tramples upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

Mr. CORMAN. Mr. Chairman, I have a second amendment at the desk, and its purpose would be to bring into conformance that law in the District of Columbia which would apply in the balance of the Nation. I therefore ask unanimous consent that both amendments be considered en bloc.

Mr. ROGERS of Colorado. Mr. Chairman, does the gentleman ask unanimous consent that his other amendment be considered with this?

Mr. CORMAN. Yes, sir. The two amendments. It is the same thing.

Mr. ROGERS of Colorado. What is the gentleman's other amendment?

Mr. CORMAN. It is exactly the same phraseology except that it will apply in paragraph (b) of section 3 on page 3.

Mr. ROGERS of Colorado. That was deleted in the text of the amendment.

Mr. CORMAN. Then I withdraw my request.

Mr. ROGERS of Colorado. Mr. Chairman, I reserve the right to object.

Mr. CORMAN. Mr. Chairman, may I inquire, is the phraseology on lines 14 through 19, page 3, stricken from the committee bill?

Mr. ROGERS of Colorado. On page 3, line 14, (b)?

Mr. CORMAN. That is correct.

Mr. ROGERS of Colorado. That has been stricken.

Mr. CORMAN. Mr. Chairman, then I withdraw my request.

The CHAIRMAN. The gentleman may proceed.

Mr. CORMAN. Mr. Chairman, the only thing this amendment does is clarify the intent necessary to obtain a conviction under this statute. This is consistent with the additional views filed by myself and my colleagues, Mr. WIGGINS, Mr. RAILSBACK, Mr. SMITH, and Mr. BIESTER. I would like to say at the outset that the gentleman from Pennsylvania [Mr. BIESTER] has been helpful in drafting the language for this amendment.

First of all, the committee says that one must intend to do the burning or the trampling, but when we get to the contemptuous portion of the act, that contempt may be found either in the actor or in the observer. I suggest this is bad law.

This law is extremely broad in the kind of conduct that it finds to be a crime. We think of the very dramatic picture we saw, where a piece of cloth that clearly and obviously was the flag of this Nation, is being contemptuously and disrespectfully burned. But in the legislation we cover much, much more than that, and it seems to me we ought clearly to spell out that the actor himself must have a contemptuous heart or must have intent to cast contempt on the flag or something which it symbolizes.

It was mentioned a while ago that this is a question for the jury. This is not accurate. We write the law which will lead to the instructions which the judge gives to the jury. If we want to punish only those people who intend to cast contempt on the flag or who in a contemptuous way perform these acts, then it seems to me we ought to spell it out. It ought to be clear that the judge must instruct the jury that intent to cast contempt must be found.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to ask a question about the intent. If a person burns a flag and he states that, "It was not my intent to cast contempt upon that flag, but simply to protest the war in Vietnam," I say under the gentleman's amendment we could have no conviction, because the contempt that he holds is for the war in Vietnam, and this is merely a means he is using to express that contempt.

Mr. CORMAN. Mr. Chairman, I have only 5 minutes. I understand the gentleman's question and I will answer it.

The answer is, He would be guilty, because he would be burning the flag which symbolizes the foreign policy of this Nation. He intends to cast contempt on the foreign policy, and he would be clearly guilty under my amendment.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. CORMAN. Mr. Chairman, I do not yield further, unless the gentleman has a question. Does the gentleman have a question?

Mr. THOMPSON of Georgia. Yes, sir; I have a question. Under the language of the gentleman, is it specific and intentional contempt intended, the burning of the flag, when he had no intent to cast contempt on the flag but only to protest some other policy of the country?

Mr. CORMAN. I answered that the flag symbolizes many things. It symbolizes our foreign policy. For some of us it also symbolizes the U.S. Supreme

Court. Any time a person burns that flag intending to cast contempt on anything which the flag symbolizes, he would be guilty of violation of this provision.

I suggest we should not in passing a law have a provision which covers so many acts but which does not require an intent to perform an act we object to. The thing we object to is not the burning of the physical flag itself, it is the burning of the flag for the purpose of casting contempt upon it or something which it symbolizes.

This ought to be punished, but we ought to make it clear that we want to find the contempt in the mind of the actor, not in the mind of the observer.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the chairman of the Judiciary Committee.

Mr. CELLER. Without this amendmend, conceivably the bill could cause the conviction of a person who was innocent.

Mr. CORMAN. It is my understanding of the committee language that it could cause the conviction of a person who intended to burn the flag but had no contempt for the flag and intended none, if people observing it had contempt for the flag.

I believe this is a weakness in the bill. I believe the committee intends to punish only those who perform an act with contempt in their hearts. This language would clarify it.

I hope the amendment will be adopted.

Mr. CELLER. The question of intent is always a question of fact for the jury. The jury would have to take into consideration all the circumstances.

If we do not adopt the gentleman's amendment, or something akin to it, a judge would have to so construe the words of the statute as to indicate to the jury that the intent could be spelled out of what those viewing the incident considered to be contempt; is that correct?

Mr. CORMAN. That is my understanding.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

First I wish to point out that I believe the language is explicitly clear, when it says, on line 8, "whoever casts contempt."

That person is in a process of doing a positive action.

This is not a new approach to the situation. I should like to direct the attention of the House to the statement of the New York State Supreme Court in People against Stephen Radich. A specific intent was not required in the statute of the State of New York where there was a prosecution of Radich. The court stated as follows:

> In our opinion the language of the statute involved here is not so vague as to violate the due process clause of the Fourteenth Amendment. It seems to us clear enough to apprise any person of ordinary intelligence as to what it permits and what it prohibits.

That is what will happen here. This bill will prohibit the casting of contempt by public destruction of the flag in the manner outlined.

The court went further and said:

> If he wishes to approach the brink of what is prescribed, he necessarily gambles on an adverse finding by the court. Since we find the statute to constitute "malum prohibitum," no criminal intent to violate it is prerequisite to conviction.

Therefore, if we are to follow the language here, we are following the suggestion made by the Attorney General of the United States.

In the discussion in the subcommittee and in the full committee we were trying to arrive at a clear-cut act which would spell out the punishment. That is what we had in mind when we put in the words "cast contempt" by publicly destroying the flag.

The Congress has a right to do, which we are trying to do here. It prohibits the various acts of public destruction of the flag. It will be clear to all that he who takes affirmative action in the destruction of the flag knows what he is doing and should be punished.

With that I ask the Members to vote down the amendment.

Mr. WILLIS. Mr. Chairman, I move to strike the appropriate number of words.

Mr. Chairman, this amendment would compel us to climb up a hill to whose top we climbed and from which we came down many times in the Committee on the Judiciary. This same amendment was offered in the full committee. I do not know what happened in the subcommittee, because I am not a member of it. I take it from the gentleman from Colorado that it was probably offered.

Would the gentleman from Colorado respond to that? I am pointing out that this same amendment was offered and defeated in the full committee. Was it offered and defeated in the subcommittee?

Mr. ROGERS of Colorado. No, I do not think it was offered in the subcommittee. May I point out that we discussed it thoroughly and tried to spell out in the language that was in the bill to make it clear that the offensive action was the individual who cast contempt and as he cast contempt moved in the direction of destruction.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Illinois.

Mr. McCLORY. I sat as a member of the subcommittee, and it was my original idea that this was necessary language, but after due consideration and after receiving recommendations from the Attorney General, it appeared to me to add the word "intent" was really to put undue burden on the Attorney General and not express the intent of the Congress and that it was unnecessary so far as the purpose of this legislation is concerned.

I think that the form of the bill as recommended by the Attorney General, which we have before us in this Chamber now, is good and we should not accept this amendment.

Mr. WILLIS. As I said, this amendment and others like it to weaken the bill were offered before and defeated by the full committee. I am opposed to it.

I would also be opposed to amendments to increase the penalty to 5 years and $10,000. I am for a bill that at least tries to impose a penalty which is consistent with the offense.

Mr. Chairman, this bill does no more nor less in connection with the nonspecifying of intent than all laws on the subject of crimes of violence. As I said in the opening discussion the rule, you can take, for instance, the crime of assault and battery. You have gradations of it. Then you have assault with a dangerous weapon such as when one man cuts another man or assault with intent to kill. The only thing that the district attorney or the prosecuting attorney has to prove is that one man assaulted another one. Let us say one man punches another man in the nose or, if it is a case of aggravated battery or battery with intent, one man stuck a knife through another man's body. That physical act supplies the intent. It is sufficient to prove that a man knifed another individual to prove assault with a dangerous weapon.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman is implying that the performance of an act implies intent?

Mr. WILLIS. I am not saying that. I am saying the only necessary proof is to prove what the statute requires.

Mr. LONG of Maryland. But your point is that the courts normally would hold a person must have had some intent previous to that time?

Mr. WILLIS. Yes.

Mr. LONG of Maryland. But if that is so, what is the harm of spelling it out in the statute?

Mr. WILLIS. Because you would have an impossible case to present.

Mr. LONG of Maryland. But if some kind of intent has to be demonstrated anyway, what is the harm of defining it in the statute?

Mr. WILLIS. That is up to the judge. The judge in instructing the jury will read the statute and will tell the jury that in order to convict you must find that the defendant performed the following acts: He committed acts of overt violence, that is, he tore, defiled, or burned a flag. But, not only did he do that, he did it in public.

Mr. Chairman, the court will further say, "If you find, gentlemen of the jury, this defendant did that, that is sufficient to meet the requirements of the statute and you shall find him guilty. But, on the other hand, if you find the only thing he did was to insult the flag and call it a dirty rag, that is not specified and you must find him innocent."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I am glad to yield to my distinguished friend, the gentleman from North Carolina.

Mr. WHITENER. To put it very simply, the difference between the bill without the amendment and the bill with the proposed amendment, is that if you adopt the proposed amendment, its adoption would place an additional burden upon the prosecution to prove a specific intent.

Yes; to prove a specific point, because we, as we pointed out earlier before, you can under a criminal statute distinguish between general and specific intent——

Mr. WILLIS. And general intent; that is right.

Mr. WHITENER. And, before you get to the jury, under the amendment, the State or the prosecution would have to offer evidence to show the specific intent, to wit——

Mr. WILLIS. And, I know the gentleman will agree that the same law book that says that also says that crimes may be committed without the showing of specific intent. Every law student knows that.

Mr. WHITENER. However, most criminal statutes do not specify or use the word "intent."

Mr. WILLIS. That is right.

Mr. WHITENER. In the case of murder and many other crimes——

Mr. WILLIS. That is right.

Mr. WHITENER. And in the case of other statutes the word "intent" is never used, yet the law requires that it be proved.

Mr. WILLIS. But, may I call to the attention of the gentleman the "intent" that has happened many times about which we are talking.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILLIS. We are talking about contemptuous treatment of the flag.

We, on this floor some years ago, as the gentleman will recall, were talking about civil and criminal contempt. We debated that issue here for days on end. The gentlemen now who would want to amend and take the position which has required many years of experience to establish criminal contempt, without using the word "intent" is not in conformity with the statutes.

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in debating a bill in the last Congress, which was challenged over the question of whether it was necessary, the gentleman from Virginia, my good friend, Governor TUCK, told a story about a man in California who received a telegram saying that his mother-in-law had died and wanting to know whether she should be cremated, buried, or put in a vault.

The man in California, according to Governor TUCK, wired back and said, "Take no chances; do all three."

The bill which is now pending, of which I am one of the sponsors and which I support, I understand is also supported by the author of this amendment.

In criminal statutes regarding murder and statutes regarding assault there is little ambiguous about the acts in question, but there is something ambiguous about the act of burning the flag. If the American Legion, for example, in a ceremony to lay flags to rest burns the flags, it is an act of the highest kind of proper patriotism. However, if somebody not with intent to demonstrate patriotism or respect for the flag of the United States, such as a person who wants to protest the Vietnam war by burning the flag of the United States, he is not merely disrespecting the policy in Vietnam, he is disrespecting the U.S. flag itself.

So we are dealing with an act which can be more than one thing.

The chairman of the subcommittee himself, when beginning the debate today, used the very words, "It is the intention of this bill to do thus and so."

I do not think anybody in this House of Representatives, or anybody in this Committee, wants anybody to go to jail in this country who did not intend to cast contempt upon the flag of the United States for the crime of casting contempt upon the flag of the United States.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. JACOBS. I yield to the gentleman.

Mr. EDMONDSON. If the intent very clearly were to cast contempt upon the United States of America, and not upon the flag, do you feel that under those circumstances the language in the Corman amendment would still permit a prosecution?

Mr. JACOBS. It is my judgment that it is impossible to cast contempt upon the flag of the United States without at the same time casting contempt upon the United States, and it is impossible to cast contempt upon the United States of America by burning the flag without at the same time casting contempt upon the flag of the United States.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. JACOBS. It has been suggested that by this amendment the defendant carries in his vocal chords his own absolute defense; that by merely denying that he committed the act with intent to show contempt for the flag of the United Sates, a defendent could unlock the cell door. I would suggest that no defendant sits in judgment of himself. Any defendant is permitted to defend himself under all circumstances, and say whatever he can for himself, but from his acts and the circumstances around his acts are inferred by the jury the intention of his acts.

This amendment is a matter of clarification.

There are people in this House who support this bill—as I do—who are in doubt about the meaning of the bill under this language.

There is nothing wrong with clarifying the meaning of the bill under these circumstances.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. YATES. I would ask the gentleman if this amendment is presented in order to avoid accidental prosecution?

For example, during the Flag Day program that we witnessed last week, and at the time the ceremonies were held in this Chamber, if by some chance one of the Members of the House or one of the members in the gallery had thrown this program into the wastebasket, or had torn it up, is there not a possibility that there would have been a prosecution under the language of the bill for such an act without the requirement intent?

Mr. JACOBS. I certainly agree with that. And I would say that that is not a silly example. When somebody cites an example that seems to be ridiculous as an example it does not mean that the sponsors of the bill have a ridiculous intent.

It raises a question of whether the language in a bill is clear enough to prevent a ridiculous interpretation.

That is the problem here and I hope we shall clear up the ambiguity.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am advised that if the parliamentary situation permits, and assuming the pending amendment fails, the gentleman from Pennsylvania [Mr. BIESTER] will offer an amendment to insert the word "knowingly" immediately preceding the words "casts" on the first page of the bill.

I respectfully submit, Mr. Chairman, that the Biester amendment will accomplish what those who have criticized the present bill seek, and yet will not be subject to the vice which many of us on the subcommittee heard the evidence to be with respect to the amendment proposed by the gentleman from California.

Let me be more specific.

In general, criminal offenses are divided into two categories which the courts have chosen to call "malum prohibitum" and "malum in se."

"Malum in se" is defined in Black's dictionary as a wrong in itself—an act or case involving illegality from the very nature of the transaction, upon principles of natural, moral, and public law.

Ordinarily with respect to this offense defined in "malum in se," an intent must be established by the prosecution.

The other category is defined in Black's as a wrong prohibited—a thing which is wrong because it is prohibited.

As the courts have consistently held, those offenses falling in that category do not require proof of a specific intent.

To refer to the case quoted by my distinguished friend on the committee earlier; namely, the case of People against Radich, which arose in the State of New York, I refer first to the language of the statute and call your attention to its similarity with the language of the bill pending before the House.

It reads in part as follows:

> Any person who * * * d. Shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act, or * * *

The decision of the court in the Radich case was, and I quote:

> Since we find the statute to constitute "malum prohibitum," no criminal intent to violate it is prerequisite to conviction.

Citing the case of People against Boxer, that case reads in part:

An offense "malum prohibitum" is not naturally an evil, but becomes so in consequence of its being forbidden, * * *. These types of statutes do not make the liability of the accused depend upon knowledge or even upon negligence. It makes his liability dependent upon the prohibitive act. * * * The law on this subject, therefore, is that an act "malum prohibitum" is not excused by ignorance, or a mistake of fact when a specific act is made by law indictable irrespective of the defendant's motive or intent.

So, Mr. Chairman. I suggest that the amendment which will be offered by the gentleman from Pennsylvania [Mr. BIESTER] will make it possible to distinguish between the innocent, the inadvertent and the ceremonial act on the one hand and the intentional act on the other.

Mr. Chairman, I suggest that this will accomplish what most Members seem to be seeking.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. EDMONDSON. I commend the gentleman from Virginia for a very lawyerlike approach to this question. I think if the amendment offered by the gentleman from California is rejected, as I believe it will be, the amendment which the gentleman from Virginia has just mentioned would serve the purpose, to require knowledge of the contemptuous nature of what is being done by the person who desecrates the flag and yet would permit a general intent to operate as distinguished from the specific intent which would be required in the alternate amendment.

Mr. POFF. May I say in response, the gentleman has demonstrated his usual perspicacity and insight.

SUBSTITUTE AMENDMENT OFFERED BY MR. BIESTER

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. BIESTER].

Mr. BIESTER. Mr. Chairman, I offer an amendment as a substitute to the amendment offered by the gentleman from California [Mr. CORMAN].

The Clerk read as follows:

Amendment offered by Mr. BIESTER as a substitute for the amendment offered by Mr. CORMAN: On Page 1, line 8, after the word "Whoever" insert the word "knowingly".

Mr. BIESTER. Mr. Chairman, I believe that the gentleman from Virginia has covered essentially the purpose of the amendment. I believe the gentleman from California has demonstrated from his language, what he has had to say here, another essential purpose, and that is to isolate the concept of knowledge or scienter, as it is known in the law, in the mind of the actor.

Furthermore, it seems to me that this House would not wish to pass a bill which involves as serious a subject as this without being certain that no innocent party could be convicted and without being certain that the party who is charged is charged with knowingly doing the offense with which he is charged.

I would also refer to the statement of the distinguished chairman of the subcommittee, the gentleman from Colorado [Mr. ROGERS], who said that the man who is being charged with the offense of desecrating the flag knows what he is doing.

All I ask is that we insert the word "knowingly" before the word "desecrate" so that it is set forth clearly in the bill. It can do no harm. It will clarify the situation, and it does not involve the problems which have been referred to earlier.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I am happy to yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, the amendment which the gentleman from Pennsylvania has offered is a good one. It would do no harm, and it would do a great deal of good. The use of the word "knowingly" would clarify this entire situation and would prevent an innocent man from getting into the toils of the law. It would mean that an act, in order to be deemed offensive under the statute, must involve proof that the perpetrator of the act, no matter what it is, knowingly did the act with a view to defiling or otherwise doing something that is deleterious to the flag. For that reason I gladly support the amendment of the gentleman from Pennsylvania.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from California.

Mr. CORMAN. I support the amendment in the nature of a substitute. I believe it would accomplish the purpose of the original amendment that I offered.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In view of the statement made by the gentleman from California, I accept the substitute.

Mr. TENZER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TENZER. Mr. Chairman, I have an amendment at the desk, which I shall withdraw. I support the amendment of the gentleman from Pennsylvania, which would correct the defect in the legislation of which I spoke in my separate views included in the committee report. I indicated my support of the legislation, and now can support the legislation even more heartily. My amendment was intended to clarify and accordingly strengthen the legislation.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. WAGGONNER. Mr. Chairman, I take this time to ask the author of the substitute if, in inserting the word "knowingly," it might be somewhat easy for someone who desecrates the flag to allege insanity as a defense? What about users of alcohol, dope, and LSD?

Mr. BIESTER. Insanity could be alleged as a defense in any criminal case. It is a defense even in a case of treason.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on a matter of personal privilege for myself and for my constituents in the State of Hawaii, to call to the attention of this House a defamatory and highly insulting letter which was placed in the record on page 48 of the hearings on H.R. 271, before the subcommittee of the Judiciary. This was a letter submitted by one Aaron E. Koota, district attorney of Kings County, Brooklyn, N.Y. His letter referred to a recent court decision by a distinguished jurist in my State, a Harlan Fiske scholar and graduate of Columbia University Law School, a former legislator, a much decorated veteran of World War II, and a member of the famous 442d Infantry Battalion, which has been acclaimed as the most decorated unit in all of American military history.

This case involved a student from the State of New York attending the University of Hawaii's East-West Center who had drawn a large caricature of the flag with dollar signs for stars and the stripes dripping as with blood. The student was arrested under State law which makes it a crime to show contempt for the flag of the United States. The judge after reviewing the case ruled that the drawing was symbolic of the defendent's feeling about certain policies of his country, but that he did not intend by his drawing to dishonor the flag which to him still symbolized everything that he loved and honored about America.

Mr. Koota in trying to dismiss the legal significance of this case said in his letter:

Although it is true that the act in the latter case was condoned by the court as symbolic speech, we must realize that the background of the State of Hawaii is not as steeped in the same spirit of Americanism as are the other states of the Union. Hawaii has a foreign ideology as its background and that is probably explanatory of the Court's attitude.

By this outrageous statement the loyalty, patriotism, and Americanism of my entire State has been impugned, as well as that of my esteemed friend the Honorable Masato Doi, the judge in this case whose learned opinion took tremendous courage and conviction to write.

This is precisely the outrage that will be perpetrated by this bill on all Americans who do not conform in ideas or beliefs or color of skin or shape of their eyes or nose.

A disagreement on what we believe to be the real meaning of our Constitution will lead to emotional, irrational accusations like Koota's that the reasons for disagreement is due to lack of love of our country or lack of Americanism.

According to Attorney Koota I wonder:

How many generations must we be Americans to be steeped with this spirit of Americanism with which he believes he is possessed? Can it be said that only Hawaii has a foreign ideology as its background and not Brooklyn, N.Y., or any city in this country where its people are of immigrant stock?

We feel that same pride when our colors are presented, our skin like yours rises in goose pimples at the playing of the national anthem, our eyes like yours wept as many tears over the death of our late President Kennedy, our blood as been shed in three wars for the defense of our

country and is now being shed again in Vietnam.

I am willing to match the love and devotion to our country of the people of my State whose only difference is the color of their skins, with any group of people anywhere in America.

The greatness of our country lies in our people, diverse and of all possible immigrant backgrounds, who are bound together by their common love of freedom and liberty. No law is needed to require this loyalty; no punishment, not even confinement in wartime relocation camps with complete denial of due process, can obliterate this loyalty.

The love for our country cannot be destroyed; the Nation cannot be injured by the mere burning or defiling of one flag. America stands for too much that is a tribute to freedom that no few foolish acts of contempt can dishonor its greatness. Rather these childish tantrums now cast only ridicule upon the perpetrators of this insane and irrational behavior.

I cannot believe that these few extremists in our society endanger the honor of this country; if they truly do, then no mere $1,000 fine or year in jail would be punishment enough.

Ramsey Clark, the Attorney General of the United States, in commenting on this bill states:

> Particular care should be exercised to avoid infringement of free speech. To make it a crime if one "defies" or "casts contempt . . . either by word or act" upon the national flag is to risk invalidation. This broad language may be too vague under standards of constitutional law to constitute the basis of a criminal action. Such language reaches toward conduct which may be protected by First Amendment guarantees, and the courts have found vagueness in this area.

I stand four-square behind our Attorney General and more particularly behind the honored jurist of my State whose Americanism has been questioned because he chose to place the Constitution above his own popularity and to ignore the passionate demands of people who seek to punish all off-beat conduct without regard for the true meaning of liberty and freedom.

America is not a country which needs to punish its dissenters to preserve its honor. America is not a country which needs to banish its atheists to preserve its religious faith. America is not a country which needs to demand conformity of its people, for its strength lies in all our diversities converging in one common belief, that of the importance of freedom as the essence of our country and the real honor and heritage of our Nation, which no trampled flag can ever symbolically desecrate.

I did not intend to speak against or even vote against this bill, but when my Americanism has been challenged and that of the people of my State, by persons who see only disloyalty in dissent, then I must rise to voice my faith and my belief that America is too great to allow its frenetic fringes to curb the blessings of freedom and liberty, which are the cornerstones of our democracy.

The CHAIRMAN. The time of the gentlewoman from Hawaii has expired.

Mrs. MINK. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. ARENDS. Mr. Chairman, reserving the right to object—and I shall not object—it is now 6 o'clock. We have debated this bill under general debate, and I believe anyone could say whatever he possibly might want to say in 5 minutes. I will not in this particular instance object.

The CHAIRMAN. Without objection, the gentlewoman from Hawaii is recognized for 2 additional minutes.

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentlewoman from Hawaii yield?

Mrs. MINK. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, is this a student at the State Department's East-West Cultural Center, we are talking about?

Mrs. MINK. Yes, Kent; Noel Kent.

Mr. ROONEY of New York. What did the gentlewoman from Hawaii say about that student?

Mrs. MINK. I did not say anything about that student. I only quoted the opinion of the court in that case.

Mr. ROONEY of New York. That bum has already received a tremendous amount of the taxpayers' money and he is out there in Honolulu at the taxpayers' expense, ranting and raving against our President and creating difficulties for us in Vietnam. I do not believe he is entitled to have a dime of the taxpayers' money spent on him, a bum, who hung up a phony American flag made of dollar signs. That is the reason the case against him was dismissed. It was not a flag. I do not know what information Judge Koota may have had on this case. This is the first I learned he had any connection with it. He is the district attorney of my hometown and a highly capable and distinguished American. But I know enough about Mr. Kent to know that he should have been summarily dismissed from the State Department's East-West Center. The punishment accorded him, of refusing to let him go to Thailand, was by no means sufficient. Here is his record:

NOEL J. KENT, GRANTEE, EAST-WEST CENTER ($150 PER MONTH) GRADUATE STUDENT

10/22/65: Letter to Editor Honolulu Advertiser; 10/22/65: Letter to Editor Honolulu Star Bulletin: States subject took part in march against our government's Vietnam policy, which he terms "callous of the Vietnamese people as a pawn for our policies—'our obsession with Peking-plotted conspiracies—." He accuses "right-wing elements" communications media, etc. of having "circulated the *myth* of Communist involvement in the demonstrations, etc."

10/65: Assisted former University of Hawaii student Peter Lombardi in forming a new campus club, *"Student Partisan Alliance"*, which they described as hard left. Attempted to hold "draft-card burning" rally on campus, but were rained out.

11/23/65: Letter to Editor, Honolulu Advertiser: Says the U.S. and President do not desire peace, but are determined to fight "on behalf of the small and ruthless military (SV) clique_____" guilty of "brutality, corruption, etc."

1/7/66: Letter to Editor, Honolulu Advertiser: Denouncing Vice President Humphrey, among other things for being "an apologist for his boss's mistakes."

2/5/66: Was among small crowd of demonstrators at the airport when President Johnson arrived. Kent carried sign reading "Murderer Go Home".

2/6/66: Marched with same group in front of hotel where President and South Vietnamese Premier Ky staying, carrying same sign.

2/10/66: Letter to Editor, Honolulu Advertiser: Sarcastically thanks police for protection at airport, lies about actions of crowd of "patriots" there, etc.

3/1/66: Schedules campus rally to protest Viet policy, lists himself as Vice-President of Student Partisan Alliance.

3/3/66: Both Honolulu newspapers report on rally on the 2nd, at which Kent, Peter Lombardi, Gary Okamoto and George Sarant displayed a home-made replica of the American flag, which had dollar signs instead of the stars, and on the other side of the stage, put up a Viet Cong flag. Kent was main speaker. Lied about airport incident saying "hundreds of servicemen turned on about 30 of us". Actually there was only one airport incident involving only one Coast Guardsman who was detained by the police. An Air Force officer who is a student at the University jumped up on stage, tore down the Viet Cong flag, and wanted to speak in defense of U.S. policy. Kent refused and told him to "go get his own rally."

3/21/66: Kent set up another rally at the University again displaying the Viet Cong flag, and replica of an American flag (dollar signs for the stars, and what he said were daggers covered with blood instead of the stripes). A girl, members of whose family are serving in Vietnam, tore down the Viet Cong flag and was ripping it when Kent, Sarant, Peter Lombardi and Anthony grabbed her and forced her off the stage. Several students went to her rescue, and some minor scuffling and heckling ensued. In answer to a query from a student in the audience. Where is the American flag? Kent replied, *"This* is the American flag—etc." On stage also, were signs saying "Impeach Johnson" and one with swastikas saying "get rid of LBJ and his fascist running dogs." Kent and Lombardi were shortly arrested for violation of a State law prohibiting desecration of the American flag, and are out on bail, awaiting hearing on March 29.

Mrs. MINK. I can only respond to the remarks of the gentleman from New York by saying the matter was placed before the Board of Regents and the decision was that the student involved would be deprived of the continuation of his program at that Center. He is no longer at the East-West Center.

I feel that the issues which we are now facing, which are before the House, go beyond the conduct of one particular student at an institution. I regret very much that Mr. Koota placed this statement in the record before the Judiciary Committee and impugned the loyalty of the citizens of my State, because one judge had this opinion that the kind of conduct evidenced by this student from the State of New York in my State of Hawaii was protected under the Constitution.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to commend the gentlewoman from Hawaii [Mrs. MINK] for her splendid statement this afternoon. I deplore the suggestion on the part of anyone that the citizens of Hawaii or the judiciary of the great

State of Hawaii are any less patriotic than the citizens or judiciary of any other State.

I believe that is the point the gentlewoman was making when she rose. She was not addressing herself to the student, but to the statement that Hawaii was less steeped in patriotism than the other States.

All of us are immigrants, whether in the newest of the 50 States or the oldest.

This is the genius of America.

I, too, was dismayed to read the attack by the district attorney of Kings County, N.Y., on the recent decision of the Hawaiian Supreme Court on the grounds that:

> The background of the State of Hawaii is not as steeped in the same spirit of Americanism as other states of the Union. Hawaii has a foreign ideology as its background and that is probably explanatory of the Court's attitude. (Hearings p. 48.)

The underlying assumption that one State or group of people are not as patriotic as another because of diversity of cultural heritage or differences in geography is shocking especially coming from one who comes from one of the great American melting pots.

Hawaii, just as is New York City, has been and continues to be a melting pot of diverse cultures and backgrounds. This is a primary source of America's strength.

Under the Constitution one who has most recently acquired citizenship stands on the same level with a descendant of the first immigrants, the Pilgrims. So the most recently admitted State to the Union is assuredly equal in rights, duties, and patriotism as the first 13.

It is to recite the obvious that America was created, built and continues to be nurtured by "foreigners" and their ideas. No where has this tradition been greater than in the city of New York. How is it then that Hawaii, her people and her judiciary is less steeped in the spirit of Americanism? Certainly the people of Hawaii are no more foreign than those immigrants who settled in other States from Europe, Asia, Africa, and Latin America, or the Pilgrims.

Not only does this statement imply that one State has less status than others, but it attacks one of the fundamental precepts of the spirit of Americanism, that of freedom of one individual to express that which may sound foreign to another.

I am surprised that an officer of the judiciary would attack the court's decision on grounds of the "background of the State of Hawaii" rather than upon the legal merits.

Expression assumes many forms. Whether the act protected by the Supreme Court of Hawaii is constitutionally protected expression will ultimately be decided by the U.S. Supreme Court. It is unquestionable, however, that the highest duty of any patriotic American is to express his opinion when he feels that his country is taking a wrong path. It is especially important in periods when passions concerning particular policies run high that opposing opinions be given the highest possible protection.

The suggestion that the people and the judicial system of Hawaii are unpatriotic is not only the very antithesis of this duty, but it violates the fundamental concept of equality of States.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if this amendment is adopted I intend to support the bill, which is very important and necessary at this time.

Mr. Chairman, I support H.R. 10480, the bill to prohibit desecration of the flag.

The bill as amended meets all the objections of those who feared possible violations of free speech. The bill does not prohibit verbal attacks on the flag. The bill contains no inhibition of the right to dissent or to speak against the flag as part of a protest against any aspect of American policy. The bill would not punish those who, by accident or inadvertence, do physical damage to the flag.

The bill would not displace State jurisdiction over those who desecrate the flag. But it would give Federal authorities the power to step in where States are unable or unwilling to provide proper enforcement of the laws.

This bill has one specific purpose—to stop desecration of the American flag by giving this national symbol the uniform protection of Federal law. Knowingly burning, trampling, defiling, defacing and mutilating the American flag are specific acts of destruction which can and should be punished by Federal law.

Public Law 77–829, "The Flag Code," states that "no disrespect should be shown to the flag of the United States of America," but no penalties have been prescribed for noncompliance with this regulation. H.R. 10480 merely completes the Flag Code by spelling out the meaning of "disrespect" and fixing penalties to insure enforcement. I urge passage of this important measure.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude now.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. WYMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

I shall not require 5 minutes, Mr. Chairman, but I want to call the attention of Members to one or two matters I believe need to be covered as a matter of determination of legislative intent.

The substitute says "knowingly." In the Radich case the phrase "or cast contempt upon" was a separate part of the statute at the end. The statute there upheld prohibited the willful doing of certain specific acts, one of which was "or casts contempt upon."

What is wrong with this bill in its present form—and an amendment will be offered later to remedy the objectionable language—is the phrase "casts contempt upon."

What ought to be in the law here is that "whoever willfully and publicly mutilates, burns, defiles, or tramples upon the flag" commits the offense.

The term "casts contempt upon" is not necessary.

Take the language of the bill at the present time, in line 8, page 1, appears the phrase:

> Whoever casts contempt upon any flag of the United States by publicly mutilating,

Is this a legislative fiat that commission of the act itself, "casts contempt"? Is this a statement in the bill that the act of publicly mutilating, defacing, defiling, or burning or trampling is the equivalent of casting contempt upon the flag? We do not really know. In the amendment originally offered by the gentleman from California [Mr. CORMAN] the suggestion was made that a defendant should intend to cast contempt upon the flag. Proof of this would be necessary beyond a reasonable doubt. Suppose a defendant says he does not have any intention of casting contempt upon or, under the substitute of the gentleman from Michigan, does not know that there is contempt cast on the flag and is acting only from the most serious motives—and strangely enough there are people who believe this—from a conscientious conviction that the flag is a symbol of a national course of conduct to which he seriously objects. Immediately there are almost insuperable obstacles in attempting to prosecute. What we ought to do is to provide that anyone who mutilates, defaces, defiles, burns, or tramples upon the flag of the United States willfully and in public, commits a misdemeanor. That is the malum prohibitum act referred to here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BIESTER] to the amendment offered by the gentleman from California [Mr. CORMAN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from California [Mr. CORMAN] as amended by the amendment of the gentleman from Pennsylvania [Mr. BIESTER].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. KORNEGAY

Mr. KORNEGAY. Mr. Chairman, I offer an amendment.

Mr. Chairman, I actually have two amendments at the desk both relating to the same subject matter, that is, the question of the penalty. The first one amends section (a).

Mr. HOSMER. Mr. Chairman, a point of order. The amendments have not been read.

Mr. Chairman, I withdraw my point of order.

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent that the two amendments be considered en bloc.

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, I know the gentleman told me his amendment intends to increase the penalty in the Federal law. Is that correct?

Mr. KORNEGAY. That is right. And I am doing the same thing in subsection (b) of section 3 as it pertains to the District of Columbia.

Mr. ROGERS of Colorado. I reserve the right to object to that, and I point out it is not in the bill. We struck it out.

Mr. KORNEGAY. All right.

Mr. Chairman, I withdraw my second amendment.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. KORNEGAY: On page 2, line 2, strike out "$1,000" and insert "$10,000"; strike out "one year" and insert "five years".

Mr. KORNEGAY. Mr. Chairman and my colleagues, my amendment is very simple and I will not take the entire 5 minutes. What it does simply is to raise the punishment, that is, the maximum punishment, from $1,000 to $10,000, and the imprisonment from 1 year to 5 years. My purpose in offering this amendment is twofold. The first is I foresee and believe that in certain instances the amount of penalty in the original bill is too little. It is less than the penalty for a misdemeanor in most States. In addition to that, it is my idea that the penalty in this bill should conform to the penalty that was prescribed in an act we passed in the 89th Congress making it a violation for those who knowingly destroy, or burn, a draft card. Certainly it does not make good sense to me to say that it is less offensive to the people of this country to contemptuously destroy or desecrate our flag than to burn a draft card. This is not a minimum penalty. It is not a mandatory penalty. It merely provides for a maximum punishment that a judge can impose upon a convicted defendant.

I can certainly foresee where there will be cases in which the judge would need more latitude than is prescribed in this bill, and that is a $1,000 fine and 1 year in prison.

I urge the adoption of the amendment because it will strengthen the bill and make it conform to similar offenses.

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. KORNEGAY. Yes, I am happy to yield to my distinguished friend, the gentleman from West Virginia [Mr. KEE].

Mr. KEE. Mr. Chairman, the American people rebel, and quite properly so, when they see by the news media incidents of contempt for our flag.

Mr. Chairman, I respectfully submit that all Members of the U.S. Congress, regardless of political affiliation, are being held responsible by our constituents for permitting such public destruction of our flag to continue on without providing adequate punishment.

Mr. Chairman, this amendment, if adopted, will strengthen the bill.

This amendment will make crystal clear the strong feeling of respect of the American people for our flag. We can do no less than approve this amendment.

I commend my distinguished colleague, the gentleman from North Carolina [Mr. KORNEGAY], for offering this amendment and am happy to support this constructive measure.

Mr. KORNEGAY. Mr. Chairman, I urge the adoption of this amendment.

Mr. WHITENER. Mr. Chairman, I rise in opposition to the amendment which has been offered by my colleague, the gentleman from North Carolina [Mr. KORNEGAY].

Mr. Chairman, I shall not take the full 5 minutes allocated to me under my pro forma motion.

Mr. Chairman, I would merely point out the fact that in our home State of North Carolina, a State where we have the Uniform Flag Act, our legislature in its wisdom has provided punishment not to exceed a $50 fine and not more than 30 days in prison. In the State of West Virginia from which our good friend, the gentleman from West Virginia [Mr. KEE], hails, the punishment is no less than a $5 fine and not more than $100 and not more than 30 days' imprisonment.

Mr. Chairman, as a matter of fact, the bill which our committee has reported out carries punishment which exceeds the punishment now prescribed in all of the 50 States of the Union and the District of Columbia for similar conduct with reference to our flag, except the States of Arizona, Montana, New Jersey and Texas.

Mr. Chairman, I believe the punishment is adequate. If there is excessive punishment, it may breed acquittals rather than convictions.

Mr. Chairman, it is my opinion that the penal provisions of our bill are more suitable than those provided for in the amendment which has been offered by my dear friend from North Carolina [Mr. KORNEGAY].

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, I want to say I thoroughly agree with the gentleman from North Carolina [Mr. WHITENER] who has just spoken. The fact, Mr. Chairman, that the colleague of the gentleman from North Carolina [Mr. KORNEGAY] has offered this amendment is proof evident that he is very, very strongly for this bill.

But, Mr. Chairman, I have been a lawyer for 41 years and I think, to adopt this amendment, would be a bad mistake.

Mr. Chairman, I have said time and time and time again that when you make the penalty too severe, you are not going to get many convictions.

Now, Mr. Chairman, in this very atmosphere any defendant prosecuted under this bill will try, through his lawyer, to tell the jury that the punishment is excessive.

Mr. WHITENER. Mr. Chairman, I thank the gentleman. I regret that I can not support the amendment offered by my colleague, the gentleman from North Carolina [Mr. KORNEGAY].

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am for the bill, but I just want to say to the House that we are in here with the wrong legislation. What we need to bring out of the Committee on the Judiciary, and before this House, is a bill saying that no Federal judge may serve longer than 10 years without reappointment and reconfirmation.

I want to say to the Members that if it were not for some of the decisions handed down by some of these judges, we would not have so much contempt for law, and so much contempt for the flag and so much general anarchy in this country.

I heard the gentlewoman from Hawaii speak, and I want to say that I resent any implication about the patriotism of anyone from Hawaii, the State of Hawaii, because I know the record of the 442d, and I know the record of Senator INOUYE, and the other men who fought in it.

But the gentlewoman said do we need to punish dissenters? Not necessarily, but we do not mean to let dissenters, anarchists, and minorities run the country, and that is what our Federal courts have been doing. Take the decision on the schools in the District of Columbia. I do not know this judge, but I have taught school, and I was trained to teach, and I will say that a moron would know that you cannot adequately teach children unless you can group them according to ability, because if you have the worst and the best in the same class one or the other is going to get neglected.

Now, I never met this Federal judge who could not get by their own Senator in his own State, and who sort of was foisted upon the District of Columbia because they did not have any place that would take him, and the District was sort of helpless. As he said in his decision, they do not have self-government, and they had no defense against him. He supplants the Board of Education with a 196-page opinion saying exactly what the Board of Education shall do down to what pupils shall be sent where, and what teachers are sent where, and that you cannot have an ability grouping. And when you have that, then you are just getting a condition of having the Federal courts running this country into anarchy, which is the opposite of democracy.

I say to the Members that if the Committee on the Judiciary will bring out such a bill it will pass this House overwhelmingly, and it will be the best piece of legislation this country has had in the last 175 years.

I believe everybody in a democracy ought to come up for review once in a while. Congressmen do every 2 years. What is wrong with that? I do not say judges should only serve for 10 years; I just say they should have to be reappointed and reconfirmed.

I believe all of us ought to think about that, and if we had that bill on the books we would not have to be here at 6:20 in the the evening trying to pass laws to protect our flag from being burned and trampled upon.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. WYMAN. I object, Mr. Chairman.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. WYMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Chair will advise the gentleman there is an amendment pending.

Mr. WYMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WYMAN. Mr. Chairman, was the gentleman's request with reference to the amendment solely or with reference to all debate on the bill?

The CHAIRMAN. The gentleman's motion adopted by the Committee was with reference to the pending amendment.

The question is on the amendment offered by the gentleman from North Carolina [Mr. KORNEGAY].

The question was taken; and on a division (demanded by Mr. KORNEGAY), there were—ayes 40, noes 155.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MURPHY ON NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: On page 3, after line 19, insert the following new sections:

"SEC. 4. Whoever sells a flag of the United States or an article incorporating all or part of such flag (or representation thereof), knowing that after sale such flag or article is intended to be used—

"(1) other than as an emblem of the national sovereignty of the United States, and

"(2) in a manner inconsistent with the respect which should be accorded the flag of the United States, shall be punished by a fine of not more than $1,000, or imprisoned for not more than one year, or both.

"SEC. 5. (a) The President of the United States shall prohibit the exportation from the United States of the flag of the United States in any case in which he determines that the use for which such flag is intended after such exportation is inconsistent with the respect which should be accorded the flag of the United States.

"(b) Whoever exports a flag or the United States in violation of a prohibition of the President of the United States made pursuant to subsection (a) shall be fined not more than $2,500 or imprisoned for not more than one year, or both.

Mr. ROGERS of Colorado. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Colorado reserves a point of order against the amendment.

The gentleman from New York [Mr. MURPHY] is recognized to speak in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, this amendment incorporates language that was in a bill that I introduced in 1957. It also incorporates language in the bill before us today.

I will give you two instances to show you the necessity for this legislation.

A longshoreman in New York detected American flags that had been baled and marked as rags being exported to West Germany to an industrial plant obviously for industrial uses.

There was no city law, no State law, and no Federal law to prevent the exploitation of that bale of flags. The only thing that prevented it from taking place was that the longshoremen refused to load the ship or any part of the ship until the manifest was changed.

Those rags, incidentally, were baled in Valley Forge, Pa.

This is not an isolated instance. A constituent of mine called me and said that she went to purchase a jacket for her son and she found the jacket lined with American flags. That was not an isolated instance. There were hundreds of garments like the one I have in my hand on the racks. We find that happening in other areas of the country.

The amendment would prohibit or at least give some sanction to the Federal Government to prevent the misuse of the U.S. flag.

Mr. ROGERS of Colorado. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. The amendment is not germane to the legislation we are considering.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. No.

The CHAIRMAN. The Chair is ready to rule. The pending bill deals with the desecration of the flag. The amendment offered by the gentleman from New York is not germane because it deals with the question of the issuance of orders by the President relative to the exportation of goods, et cetera. The Chair holds that the amendment is not germane, and sustains the point of order.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: On page 3, after line 19, insert the following new section:

"SEC. 6. (a) Chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 2392. Public display of flag of hostile foreign government prohibited.

"'Whoever, during any period when the United States is engaged in a declared war or armed conflict, flies, parades with, or otherwise publicly displays the flag, or a reasonable facsimile thereof, of the foreign government, body, or group engaging the United States in the war or armed conflict, with intent to incite or encourage resistance to the prosecution of the war or conflict by the United States or to promote or solicit support for the cause of the enemies engaging the United States in the war or conflict, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.'

"'(b) The analysis of chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"'§ 2392. Public display of flag of hostile foreign government prohibited.'"

Mr. ROGERS of Colorado. Mr. Chairman, again I make a point of order to the amendment. It is not germane to the pending legislation.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. Yes, Mr. Chairman. The language of the amendment came before the committee in my testimony. It is an extension, and I think it can be closely tied to the remarks of the gentleman from Tennessee [Mr. QUILLEN] earlier in the House today when he referred to the Central Park demonstration. Most people saw the U.S. flag being burned, but they did not notice the nine or 10 other flags which were flags of the Vietcong and the North Vietnamese Government. I think it is inflammatory and not in keeping with the best interests of the United States, to say nothing about giving aid and comfort to the enemy, to have these acts take place.

I hope that the Chairman will accept the amendment and make the penalties in the amendment, as I indicated, as strong for the public display of a flag of a hostile foreign government as they are for desecrating the American flag, so that the Americans who are fighting in Vietnam will not be confronted with enemy flags being flown and paraded here in public demonstrations.

The CHAIRMAN. The Chair is ready to rule. The pending bill deals with the desecration of the American flag. The amendment offered by the gentleman from New York deals with the display of a foreign flag. Therefore, the Chair holds that the amendment is not germane and sustains the point of order.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on the bill and all remaining amendments conclude in 10 minutes.

The CHAIRMAN. The gentleman from Colorado has asked unanimous consent that all debate on the bill and all amendments thereto be concluded in 10 minutes. Is there objection to the request of the gentleman from Colorado?

Mr. WYMAN. Mr. Chairman, reserving the right to object, how many amendments, I inquire, are at the desk?

The CHAIRMAN. The Chair is advised by the Clerk that there are two amendments at the desk.

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on the amendment to the bill and the bill itself be concluded in 15 minutes.

The CHAIRMAN. The gentleman from Colorado moves that all debate on the pending bill and all amendments thereto conclude in 15 minutes.

The question is on the motion of the gentleman from Colorado.

The motion was agreed to.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: Strike out the first three lines of section 700(a) and insert in place thereof the following:

"(a) Whoever, not acting under color of law, shall willfully and publicly mutilate, defile, burn or trample upon any flag of the United States shall be fined not more than * * *".

Mr. HOSMER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New Hampshire [Mr. WYMAN].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. TALCOTT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. McCLORY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCLORY. Mr. Chairman, it is my understanding we have had an amendment and a substitute to this amendment on this section of the bill, which has already been acted on, and we have already concluded this section of the bill.

Mr. GROSS. Mr. Chairman, a point of order. The gentleman has not yielded for a parliamentary inquiry.

Mr. WYMAN. Mr. Chairman, I will be very brief. If we will look at the bill, we will see in line 8 that this bill is written "whoever casts contempt upon." I think we ought to write this law very carefully. We are not writing this bill carefully if we include the phrase "casts contempt upon."

This amendment simply provides "whoever, not acting under color of law," such as official acts of administrative duty—a phrase of common meaning—"shall willfully and publicly mutilate, defile, burn, or trample upon any flag of the United States" commits the misdemeanor specified. Nothing more and nothing less. There is no need to have the statute require "casts contempt upon." We do not need that phrase. It will muddy the water. I strongly recommend that we adopt this amendment and simply prohibit willful mutilation of the flag in public. Let us get this business of "casting contempt upon" out of the statute. We do not know for example whether, from what we have heard today, it is contempt in the mind of the actor or the public observer.

We do know that what is needed is a prohibition of the burning of the flag or the mutilation of the flag in public and willfully. This amendment provides both of those.

I ask the Members to adopt simple language for this misdemeanor, in a direct and understandable way. Citizens should know that certain types of willful acts in desecration of the national flag are prohibited.

I submit that this amendment does exactly this but the bill in its present form is hazy because of the phraseology, "casts contempt upon."

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe the proper way for disposing of the flag does involve the burning of the flag. I have seen Boy Scout troops disposing of old flags by burning them in public. Would the amendment apply to them?

Mr. WYMAN. It would not. It is not intended to for two reasons, one that undoubtedly such ceremonial would have statutory sanction, but would in any case not be willfully committed. The amendment specifically excepts those not acting under color of law. The Boy Scouts, as many Members of this body, undoubtedly act under color of law. So do Post Office officials and others who burn flags in their performance of duty.

Other than that, anybody who willfully burns a flag of the United States in public should be convicted of a misdemeanor. It is a proper Federal function to regulate willful mistreatment of our national flag. The bill is not an affirmative requirement. It is a simple prohibition on excessive conduct.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I oppose the amendment. I do not see it will add anything in particular to the bill. An amendment was already adopted adding the term "knowingly" to the bill, which clarifies the possible problem of intent.

We should vote this amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. WYMAN].

The question was taken; and on a division (demanded by Mr. ROGERS of Colorado) there were—ayes 103, noes 86.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. POLLOCK

Mr. POLLOCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POLLOCK: Strike out section 700(a) and substitute therefor the following:

"(a) whoever, not acting under color of law, shall willfully and publicly mutilate, deface, defile, burn or trample upon any flag of the United States shall be presumed to commit treason, and shall be imprisoned not less than 5 years and fined not less than $10,000. The presumption may be rebutted.

"(b) whoever, not acting under color of law, shall willfully and publicly mutilate, deface, defile, burn or trample upon any flag of the United States without the intent to commit treason shall be guilty of a felony and shall be imprisoned not less than 1 year and fined not less than $1,000."

Renumber section (b) on line 3, page 2 as "(c)" and section (c) on line 15, page 2 as "(d)".

Mr. POLLOCK. Mr. Chairman and my fellow colleagues: I know everyone is tired and it has been quite a long day. I am going to cover my comments very quickly. I know it has been a long time and everyone is anxious to leave, but I happen to think this is a very important piece of legislation and today is the day we have to act on it.

Mr. Chairman, the amendment I have offered is a rather sweeping one. I want to tell you now I am enthusiastically going to vote for whatever version of this bill, H.R. 10480, emerges from this deliberative body today, because I feel that the legislation is long overdue. I know that the committee on both sides of the aisle has worked long and hard on it.

Mr. Chairman, my objection is that the penalty here is not sufficiently severe. I happen to think this is a crime which ought to be treated as a serious crime. The 89th Congress passed the draft card burning act, which provided stiff penalties; namely, a maximum of 5 years imprisonment and $5,000 fine. What we are saying here is that this legislation is not as important as the draft card burning legislation. It just seems to me that the destruction of the American flag ought to carry a penalty which is just as heavy as that for the destruction of a draft card. I cannot understand why it does not.

Mr. Chairman, my amendment has two parts to it. First it says that the act of defilement or desecration of the flag per se will create a presumption of intent to commit treason, which makes it serious—a felonious act. It is a rebuttable presumption and therefore an individual has a chance to rebut it. If he can rebut it and is still guilty of a willful act of defilement or desecration of the flag, he is still subject to some penalties, but they are lesser penalties, in this case 1 year or $1,000 in fine as a minimum.

I am not going to take up any more time and I will not answer any questions of my colleagues, because I know you are anxious to move on with the passage of this bill. However, I want to make this point. I think it is very important that the history of this legislation reflect my own personal objection to the very light penalties provided under this proposed bill.

Mr. ROGERS of Colorado. Mr. Chairman, as I understand the gentleman's amendment, he is trying to extend what constitutes treason, and I do not think we should put it in this bill. Therefore I ask you to vote it down.

Mr. POLLOCK. Mr. Chairman, could we have a vote on my amendment?

The CHAIRMAN. There will be a vote on the amendment.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

I think that the penalties provided in this amendment would be too severe. What we are doing here is undertaking to provide for legislation which will be valid both in time of war and in time of peace.

Mr. Chairman, it seems to me that the committee has come forth with a good bill.

I would like to say further, while I am using my time, it is my opinion that the form of the bill as reported to this House and to the Committee of the Whole House on the State of the Union, with the amendment which was placed in the bill by the gentleman from Pennsylvania [Mr. BIESTER], adding the word "knowingly," makes this valid legislation.

Mr. Chairman, the committee report bears out the legislation in that form and provides for adequate penalties. It prohibits contemptuous conduct. The form of the amendment offered by the gentleman from New Hampshire [Mr. WYMAN] is completely different from the bill, as reported by the committee.

Mr. Chairman, I understand that a separate vote will be requested on that amendment, and I hope that this House will support the committee and will vote against the amendment of the gentleman from New Hampshire and for the form of the bill as reported by the House, with the addition of the word "knowingly."

Mr. ROGERS of Colorado. Mr. Chairman, I concur in the statement which the distinguished gentleman from Illi-

nois [Mr. McCLORY] has just made, and I rise to point out the fact that the committee did not have the privilege of seeing the amendment before it was read. However, to analyze it, it narrows the scope of the bill which we reported and may obscure the purpose of the legislation.

Mr. Chairman, it is my feeling that we should have a separate vote upon this amendment and vote it down.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Georgia [Mr. THOMPSON].

Does the gentleman from Georgia [Mr. THOMPSON] seek recognition?

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. POLLOCK].

The amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. EVERETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EVERETT. Mr. Chairman, I want to concur in the remarks that have been made in behalf of this legislation. I submit herewith a photostatic copy of the Tennessee House Joint Resolution 22, and also a photostatic copy of a letter I received from Mr. Joe F. Hudgens, director of the division of veterans' affairs, where that a resolution was passed by the annual Tennessee Service Officers' Conference urging passage of this legislation.

STATE OF TENNESSEE,
DIVISION OF VETERANS' AFFAIRS,
Nashville, Tenn., April 24, 1967.

Hon. ROBERT A. EVERETT,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Attached is a copy of a resolution which was adopted by the Sixteenth Annual Tennessee Service Officers' Conference, meeting in Nashville, Tennessee, April 20–22, 1967, urging support of the bill which calls for the punishment of anyone who shows disrespect for the United States Flag.

With best wishes, I am,
Yours very truly,
JOE F. HUDGENS,
Director.

HOUSE JOINT RESOLUTION 22

A resolution to urge the Congress to enact legislation making desecration of the United States Flag a federal offense

Whereas, The Daughters of the American Revolution, at the Seventy-Fifth Continental Congress, on June 18–22, 1966, in Washington, D.C. adopted the following Resolution:

"Whereas the Flag of the United States of America is the emblem of the Nation and a symbol of liberty wherever displayed; and

"Whereas apathy, indifference and lack of respect for the Flag are becoming increasingly evident by incidents of desecration and sometimes violent destruction; and

"Whereas Public Law 829 (Flag Code) does not provide penalties for desecration and misuse of the Flag;

"Resolved, That the National Society, Daughters of the American Revolution, support legislation which would make desecration of the Flag of the United States of America a federal offense with penalties of fines and/or imprisonment."

Now, therefore, be it resolved by the House of Representatives of the eighty-fifth General Assembly of the State of Tennessee, the Senate concurring, That the United States Congress be urged to enact legislation to carry out the objectives of the DAR Resolution, and that copies of this Resolution be forwarded to the members of the Tennessee congressional delegation.

Adopted: April 20, 1967.

JAMES H. CUNNINGHAM,
Speaker of the House of Representatives.
FRANK L. GANELL,
Speaker of the Senate.

Approved.

BUFORD ELLINGTON,
Governor.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLMER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes, pursuant to House Resolution 510, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. ROGERS of Colorado. Mr. Speaker, I demand a separate vote on the so-called Wyman amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Strike out the first three lines of section 700(a) and insert in place thereof the following:

"(a) Whoever, not acting under color of law, shall wilfully and publicly mutilate, defile, burn or trample upon any flag of the United States shall be fined not more than * * *".

The question was taken; and on a division (demanded by Mr. WYMAN) there were—ayes 104, noes 136.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McCLORY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 387, nays 16, not voting 30, as follows:

[Roll No. 145]

YEAS—387

Abbitt	Adams	Anderson, Ill.
Abernethy	Addabbo	Anderson, Tenn.
Adair	Albert	Andrews, Ala.
Andrews, N. Dak.	Flood	McMillan
Annunzio	Flynt	Macdonald, Mass.
Arends	Foley	MacGregor
Ashley	Ford, William D.	Machen
Ashmore	Fountain	Madden
Aspinall	Frelinghuysen	Mahon
Ayres	Friedel	Mailliard
Baring	Fulton, Pa.	Marsh
Barrett	Fulton, Tenn.	Martin
Bates	Fuqua	Mathias, Calif.
Battin	Galifianakis	Mathias, Md.
Belcher	Gallagher	Matsunaga
Bell	Gardner	May
Bennett	Garmatz	Mayne
Berry	Gathings	Meeds
Betts	Gettys	Meskill
Bevill	Giaimo	Michel
Biester	Gibbons	Miller, Calif.
Bingham	Gilbert	Miller, Ohio
Blackburn	Goodell	Mills
Blanton	Goodling	Minish
Blatnik	Gray	Minshall
Boggs	Green, Pa.	Mize
Bolton	Griffiths	Monagan
Bow	Gross	Montgomery
Brademas	Grover	Moorhead
Brasco	Gubser	Morgan
Brinkley	Gude	Morris, N. Mex.
Brock	Gurney	Morse, Mass.
Broomfield	Hagan	Morton
Brotzman	Haley	Mosher
Brown, Mich.	Hall	Moss
Brown, Ohio	Halleck	Multer
Broyhill, N.C.	Halpern	Murphy, Ill.
Broyhill, Va.	Hammer-schmidt	Murphy, N.Y.
Buchanan	Hanley	Myers
Burke, Fla.	Hansen, Idaho	Natcher
Burke, Mass.	Hansen, Wash.	Nedzi
Burleson	Harrison	Nelsen
Burton, Utah	Harsha	Nichols
Bush	Harvey	Nix
Button	Hays	O'Hara, Ill.
Byrne, Pa.	Hébert	O'Konski
Cabell	Hechler, W. Va.	O'Neal, Ga.
Cahill	Heckler, Mass.	O'Neill, Mass.
Carey	Helstoski	Ottinger
Carter	Henderson	Passman
Casey	Herlong	Patten
Cederberg	Hicks	Pelly
Chamberlain	Holifield	Pepper
Clancy	Holland	Perkins
Clark	Horton	Pettis
Clausen, Don H.	Hosmer	Philbin
Clawson, Del	Howard	Pickle
Cohelan	Hull	Pike
Collier	Hungate	Pirnie
Colmer	Hunt	Poage
Conable	Hutchinson	Poff
Conte	Ichord	Pollock
Corbett	Irwin	Pool
Corman	Jacobs	Price, Ill.
Cramer	Jarman	Price, Tex.
Cunningham	Joelson	Pryor
Curtis	Johnson, Calif.	Pucinski
Daddario	Johnson, Pa.	Quie
Daniels	Jonas	Quillen
Davis, Ga.	Jones, Ala.	Railsback
Davis, Wis.	Jones, Mo.	Randall
Dawson	Jones, N.C.	Rarick
de la Garza	Karsten	Rees
Delaney	Karth	Reid, Ill.
Dellenback	Kastenmeier	Reid, N.Y.
Denney	Kazen	Reifel
Dent	Kee	Reinecke
Derwinski	Keith	Resnick
Devine	Kelly	Reuss
Dickinson	King, Calif.	Rhodes, Ariz.
Diggs	King, N.Y.	Rhodes, Pa.
Dingell	Kirwan	Riegle
Dole	Kleppe	Rivers
Donohue	Kluczynski	Roberts
Dorn	Kornegay	Robison
Dowdy	Kupferman	Rodino
Downing	Kuykendall	Rogers, Colo.
Dulski	Kyl	Rogers, Fla.
Duncan	Kyros	Ronan
Dwyer	Laird	Rooney, N.Y.
Edmondson	Landrum	Rooney, Pa.
Edwards, Ala.	Langen	Rostenkowski
Edwards, La.	Latta	Roth
Eilberg	Leggett	Roudebush
Erlenborn	Lennon	Rumsfeld
Esch	Lipscomb	Ruppe
Eshleman	Lloyd	St Germain
Evans, Colo.	Long, La.	Sandman
Everett	Long, Md.	Satterfield
Evins, Tenn.	Lukens	Saylor
Fallon	McCarthy	Schadeberg
Farbstein	McClory	Scherle
Fascell	McClure	Schneebeli
Feighan	McCulloch	Schweiker
Findley	McDade	Schwengel
Fisher	McEwen	Scott
	McFall	Selden
		Shipley

Shriver	Talcott	Watts
Sikes	Taylor	Whalen
Skubitz	Teague, Calif.	Whalley
Slack	Teague, Tex.	White
Smith, Calif.	Tenzer	Whitener
Smith, Iowa	Thompson, Ga.	Whitten
Smith, N.Y.	Thomson, Wis.	Widnall
Smith, Okla.	Tiernan	Wiggins
Snyder	Tuck	Williams, Pa.
Springer	Tunney	Willis
Stafford	Udall	Wilson, Bob
Staggers	Ullman	Winn
Stanton	Van Deerlin	Wolff
Steed	Vander Jagt	Wright
Steiger, Ariz.	Vanik	Wyatt
Steiger, Wis.	Vigorito	Wylie
Stephens	Waggonner	Wyman
Stratton	Waldie	Yates
Stubblefield	Walker	Young
Stuckey	Wampler	Zablocki
Sullivan	Watkins	Zion
Taft	Watson	Zwach

NAYS—16

Bolling	Eckhardt	Mink
Burton, Calif.	Edwards, Calif.	Rosenthal
Celler	Fraser	Ryan
Conyers	Gonzalez	Scheuer
Culver	Hathaway	
Dow	Hawkins	

NOT VOTING—30

Ashbrook	Hamilton	Roybal
Boland	Hanna	St. Onge
Bray	Hardy	Sisk
Brooks	McDonald, Mich.	Thompson, N.J.
Brown, Calif.	Moore	Utt
Byrnes, Wis.	O'Hara, Mich.	Williams, Miss.
Cleveland	Olsen	Wilson, Charles H.
Cowger	Patman	Wydler
Fino	Purcell	Younger
Ford, Gerald R.	Roush	
Green, Oreg.		

So the bill was passed.

The Clerk announced the following pairs:

Mr. St. Onge with Mr. McDonald of Michigan.

Mr. Thompson of New Jersey with Mr. Cleveland.

Mr. Charles H. Wilson with Mr. Fino.

Mr. Brown of California with Mr. Moore.

Mr. Williams of Mississippi with Mr. Ashbrook.

Mr. Sisk with Mr. Gerald R. Ford.

Mr. Patman with Mr. Byrnes of Wisconsin.

Mr. Brooks with Mr. Cowger.

Mr. Hamilton with Mr. Utt.

Mr. Roush with Mr. Wydler.

Mr. O'Hara of Michigan with Mr. Younger.

Mr. Boland with Mr. Roybal.

Mr. Hardy with Mrs. Green of Oregon.

Mr. Hanna with Mr. Olsen.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill just passed, H.R. 10480.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KUPFERMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. KUPFERMAN. Mr. Speaker, I voted for this bill believing that the word "knowingly" had been included at line 8 on page 1. It was adopted in committee on the amendment proposed by the gentleman from Pennsylvania [Mr. BIESTER]. I am now told informally—and that is the basis for my parliamentary inquiry—that the provision is not included in the bill we voted for because of the adoption in the committee, also, of the amendment of the gentleman from New Hampshire [Mr. WYMAN], which was later defeated in the House itself. So my parliamentary inquiry is, Mr. Speaker, is the word "knowingly" included on line 8, page 1, of the bill that has just been adopted by the House?

The SPEAKER. In reply to the parliamentary inquiry, the Chair will state that the word "knowingly" is not included.

Mr. KUPFERMAN. Then I make a point of order, Mr. Speaker.

The SPEAKER. As the Chair understands the situation, the gentleman from California [Mr. CORMAN], in the Committee of the Whole offered an amendment to strike out the last two lines on page 1 and the first two lines on page 2 and insert new language. The gentleman from Pennsylvania [Mr. BIESTER] then offered a substitute for the Corman amendment. The substitute, which proposed to insert the word "knowingly" after the word "whoever" in the first line of the section, was agreed to; and the Corman amendment, as amended, was then agreed to.

Subsequently, the gentleman from New Hampshire [Mr. WYMAN] offered an amendment to strike out the last two lines on page 1 and the first line on page 2 and insert new language. This amendment was adopted in the Committee of the Whole and was then reported to the House. The only amendment to this part of the bill reported to the House by the Committee of the Whole was the so-called Wyman amendment.

The House, on a separate vote, then rejected the Wyman amendment. The net result was that the language of the original bill was then before the House. The language of the original bill was thus what the House passed.

Mr. KUPFERMAN. Even though, Mr. Speaker, we had adopted the word "knowingly" as proposed by the gentleman from Pennsylvania [Mr. BIESTER].

In other words, Mr. Speaker, I must make a point of order because I believe—and I know that a great many other Members of the House believe—that they voted for this bill on the basis that the word "knowingly" was included. My vote might very well have been otherwise had it not been included, and I must make the point of order that the vote was taken on a false premise.

The SPEAKER. The Chair will state that there is no point of order involved. The Chair has undertaken to answer a parliamentary inquiry proposed by the gentleman from New York. As a result of the various motions and the actions of the Committee of the Whole or, rather, the action of the House, the original language of the bill has been restored and the original language of the bill is the language that finally passed the House.

Mr. ROGERS of Colorado. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from Colorado will state his parliamentary inquiry.

Mr. ROGERS of Colorado. Mr. Speaker, that also includes the word "burning" which was a committee amendment; is that correct?

The SPEAKER. The Chair will state to the gentleman from Colorado that the two words "knowingly" and "burning" were eliminated by the action of the House.

Mr. ROGERS of Colorado. I thank the distinguished Speaker.

Mr. KUPFERMAN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. KUPFERMAN. Mr. Speaker, may I ask is it in order for reconsideration of the vote on the ground that there was a misconception at the time of the vote?

The SPEAKER. The Chair will reply to the gentleman from New York that a motion to reconsider was laid on the table and that a motion to reconsider at this point is not in order.

Mr. WYMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WYMAN. Mr. Speaker, I am confused by the ruling of the Chair. The amendment that I offered, as I understand it, was to the first section of the bill, lines 8, 9, and 10, as it was amended, and both the bill that I have in my hand as it was before the House and my amendment and the committee amendment as it was amended contained the word "burning." It appears in line 1 on page 2.

Mr. Speaker, my parliamentary inquiry is, regardless of the question put by the gentleman concerning the word "knowingly," is it not so that the word "burning" is in the statute in the form in which it passed the House?

The SPEAKER. The Chair will state to the gentleman that the gentleman's amendment was not adopted in the House. The Chair has already, in response to the parliamentary inquiry of the gentleman from Colorado, stated that the word "burning" is not contained in the bill as it passed the House.

Mr. WYMAN. I thank the Speaker, but I would add I do not understand it.

DESECRATING THE FLAG "KNOWINGLY"

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, as I understand the Speaker's ruling with respect to the bill which was just before us, the word "burning" is no longer included in the bill. If that is the case, then we have spent the whole day in discussion—and so many days before in the committee—discussing a bill with respect to what happened in Central Park in the city of New York, where a flag was burned, and we have then come to a conclusion which does not at all cover the very point that was raised initially.

Mr. Speaker, I just cannot follow the parliamentary circumlocution that led us to this conclusion, but the one thing I do know is that there is something wrong in this respect, and I really believe the whole matter has to be reconsidered.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. KUPFERMAN. I yield to the gentleman.

Mr. WYMAN. Mr. Speaker, I would like to comment to the gentleman that my amendment did not delete the word "burning." The amendment adopted in the committee included the word "burning."

The word "burning" was in the committee report to which my amendment made reference, and this whole subject matter has been up for discussion relating to the burning of the flag in public. Therefore I am astonished that the situation should be one in which the House finds itself of having passed a bill which does not include the word "burning."

DESECRATION OF THE FLAG

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I sense an uncertain note of confusion on the part of the gentlemen from New York and New Hampshire as to whether the words "knowingly" or "burning" are in the bill as amended. Perhaps we could best resolve the confusion by having a "bill burning," and then taking a new look at this legislation.

NEED FOR INCREASED FINANCIAL SUPPORT OF FISH AND WILDLIFE MANAGEMENT ON MILITARY BASES

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the Department of Defense owns more than 28 million acres of land and water in the United States in military reservations. The primary purpose of these lands is to serve the Nation by supporting all military installations, their important training and defense functions. But in addition to this very necessary function they have a recreation value. They provide habitats for fish and wildlife and places for people to fish and hunt or just to enjoy the outdoors. In this connection, the recreation made possible by opening up segments of defense lands to the public is substantial. In 1966, almost 1 million fisherman-days were enjoyed on military bases. Fishery management programs are active on 25,000 acres of waters including 179 miles of streams. The acreage available for management of wildlife is greater but total figures are not available.

Sport fishing and hunting, as objectives and byproducts of good conservation practices, provide recreation and enjoyment to members of the military, to their families, and to the general public living in the vicinity of the bases. These activities have especially high value to military personnel and their families in isolated locations where other recreational opportunities are limited.

The Department of Defense is aided by the Bureau of Sport Fisheries and Wildlife in this joint endeavor, and by the State fish and game departments. The three agencies are signators to cooperative plans for the development and management of fish and wildlife at each base having such potential.

But the scope and promise of the programs is limited by lack of finances. Thus far, the activities have been self-financing. Much more could be accomplished in a shorter time if more adequate funding were available. It seems a pity to waste this potential. I have introduced a bill to help recoup it.

HISTORY OF COOPERATIVE PROGRAMS

Concerted efforts to improve conditions for fish and wildlife on military lands began shortly after World War II. Fish were provided from the Federal hatcheries to stock lakes and streams, and limited wildlife programs were undertaken by the Federal and State agencies. Realization of the great potential these areas hold for conservation purposes, led me to propose a model program at Eglin Air Force Base, Fla., which Congress approved October 11, 1949, Public Law 81–345. The results were strikingly successful and in consequence I introduced H.R. 2565 to carry on similar programs nationwide. It became Public Law 86–797, with final approval on September 15, 1960—16 U.S.C. 670, et seq.

This act directed the formation of constructive cooperative programs in fish and wildlife management involving the Department of Defense, the Department of the Interior, and the State fish and game departments. The act specified the development of a cooperative plan for each military installation to include an inventory of fish and wildlife resources, to set forth a general plan for development, to indicate the extent of public use that could be afforded, and to specify whether or not special permits and fees would be required for fishing and hunting. The Sikes Act authorized the sale of State hunting and fishing permits in accordance with the cooperative plans. It also authorized commanding officers to collect such additional special fees as were agreed upon and to expend them for the protection, management, and conservation of fish and wildlife resources.

The act has been important in furthering cooperative relations and in getting important fish and wildlife work underway. It has led to opening many of the military reservations to controlled fishing and hunting in accordance with well prepared management plans. However, in most of the cooperative programs there have not been adequate funds for full development of planned programs, as envisioned by the congressional committees recommending the legislation. As a result, program accomplishments have been limited. Technical manpower and the necessary supporting funds have not been available to serve all areas requiring assistance or to adequately pursue the constructive work considered necessary at any one installation.

PRESENT STATUS OF PROGRAMS

In 1966, cooperative plans were in effect on 189 Department of Defense installations, where fish and wildlife management is performed to some degree. None of these plans are fully implemented, but there are many successful programs, of which I and this Congress can be proud. The Washington Post in an article printed April 21, 1967, reported a survey had shown 226 posts and stations having fish and wildlife potential, with 177 of them open to the public for some type of fishing and hunting, under regulations compatible with their national defense responsibilities. The Bureau of Sport Fisheries and Wildlife reported that in 1966, its fishery biologists provided 4 man-years of technical assistance, involving 180 work trips to military bases. Wildlife biologists assisted in animal control operations, and conducted wildlife inventories to the extent possible with manpower and funds available for the purpose.

The States also participated in the programs to the extent of their abilities. The level of technical assistance in these cooperative programs has remained about the same since 1960, while public needs have grown.

PROGRAM NEEDS

A. FISHERY SERVICES

As originally envisioned, action programs at the field level require complete fishery surveys and management plans for all waters on the military areas. These studies would provide the basis for needed habitat improvements, fish stocking, and public use of the areas. Through calendar year 1966, only the most pressing problems have received more than cursory attention due to the limited number of fishery biologists and funds available for the work.

To continue and expand this program so as to provide two or three trips per year to each of the 207 Defense installations currently seeking participation in a fishery management program, 16 full-time fishery biologists are required at a cost of $320,000 per year. There will be other needs. The potential for affording recreational fishing is great and is estimated to be at least 3 million fisherman-days per year by 1976.

B. WILDLIFE SERVICES

The technical assistance provided the Department of Defense, by the Bureau of Sport Fisheries and Wildlife has been quite limited. The potential of the areas, and the needs for more effective programs are now better known. This includes the control of wildlife species, which pose a hazard to military operations, the improvement of habitats for waterfowl, small game and large game, as well as plans for public hunting. The potential for public hunting is estimated to be two

to three times the present level in military areas.

One of the most important requirements is for Bureau cooperation in managing wildlife species in the vicinity of airports. The rise in number of accidents involving aircraft and birds has brought serious concern. In several instances, the Bureau has been unable to make the necessary studies or provide technical advice where needed. In 1966, 281 bird strikes were recorded by the Air Force alone, with the cost of repairing the aircraft estimated at $20 million.

The level of service considered necessary will require 14 wildlife biologists at a total annual cost of $280,000. There will also be other needs in this field.

PROPOSED AMENDMENT OF PUBLIC LAW 86-797

This act, as now in effect, has been highly beneficial. I do not recommend changing any of its provisions or language. But additional language should be added. It is necessary that an incorrect concept be corrected and the way opened for more adequate financing of this program. The sale of special permits for fishing and hunting has been found practical on only a small percent of the bases. Only 34 have indicated they considered the collection of such fees as desirable or practical. Although exact figures are not available on the amount of money collected, this is thought to be not more than $150,000 per year. This money is retained on the local base, and helps support costs of warden services, purchase of fertilizer, chemicals, planting stock and other miscellaneous expenses. It has not been possible to use this money to pay for technical assistance provided by other Government agencies, or by the States. In essence, the program at most bases has not been and cannot be fully self-supporting. It cannot grow, or serve the important purpose which Congress intended without more adaquate and stable financial support.

To achieve this objective, I propose that the act of September 15, 1960, be amended by adding a provision, authorizing the Department of Defense and the Department of the Interior to request appropriation of funds or services for carrying out the purposes of the act. The areas of responsibility and work to be performed are distinct and separate in the two Departments. A cooperative agreement between the two Secretaries is already in effect and has been working successfully. The bill would give the Bureau of the Budget and the Congress opportunity to review all requests for funds annually. Full implementation of the program, as now considered necessary, can then be justified, and become a part of the planning and budgeting process. Passage of the amendment is strongly urged.

Summary of sport fishery programs on military areas, 1966

	Air Force	Army	Navy and Marines	Total
Acres of lakes and ponds under management	2,557	6,779	15,779	25,115
Miles of streams under management	10	156	13	179
Acres of fish habitat reclaimed or improved	38	227	34	299
Miles of streams reclaimed or improved		26	1	27
Acres of new waters	18	460	35	513
Man-days of fishing	298,400	594,700	99,800	992,900
Pounds of hatchery fish stocked	38,249	65,070	21,255	124,574
Number of hatchery fish stocked	211,643	886,789	690,953	1,798,385

Estimated requirements for assistance in fish and wildlife management

Region	Number of installations	Fishery biologists	Wildlife biologists	Annual costs
1. Northwest	48	4	3	$140,000
2. Southwest	15	2	2	80,000
3. North Central	21	2	3	100,000
4. Southeast	95	6	3	180,000
5. Northeast	28	2	3	100,000
Total	[1] 207	16	15	600,000

[1] Installations with fishery resources. Installations with wildlife resources estimated at 250 plus.

THE DISTRICT OF COLUMBIA SCHOOL SYSTEM

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, yesterday was a day of contrast in the District of Columbia.

At the time Judge J. Skelly Wright, whom we call J. Smelly Wright in Louisiana, was handing down his legal opinion outlawing the track system, legislating intelligence and saying that there was economic and social discrimination in the District of Columbia schools, a man who is considered to be an expert on the affairs of education, considered to be an expert to the extent that $250,000 was set aside to allow him to conduct a study of the District of Columbia schools, made a preliminary report with a completely different conclusion.

At the time Judge Skelly Wright was saying there was discrimination which was destroying education, Mr. A. Harry Passow, a professor from Columbia University Teachers College, in his report took issue with Judge Wright and said the District of Columbia school system should concentrate on teaching and administrative reforms instead of racial integration. The chairman of the research team evaluating the city schools further went on to say:

The District should concentrate on proving that a Negro school system can be a good one. He also opposed busing students to achieve so called racial balance.

Until the people who have some responsibility for education in the District of Columbia and the rest of the United States recognize the fact that the vast majority of their educational problems arise from the problems of integration, they are not going to do anything to improve education in the District of Columbia or anywhere else. Until schools are utilized to educate people instead of being used as tools of social reform, they will deteriorate further. Mr. Passow spoke the truth. The people who paid Mr. Passow this money must be unhappy today. Mr. Speaker, I submit the following newspaper item:

[From the Washington (D.C.) Post, June 20, 1967]

BUSING IS NO CURE, DISTRICT OF COLUMBIA SCHOOLS ADVISED

(By Ellen Hoffman)

The D.C. school system should concentrate on teaching and administrative reforms instead of racial integration, the chairman of a research team evaluating the city's schools said yesterday.

A. Harry Passow said distribution of the system's 10 percent white pupil population among white pupil population among all city schools would result in "token integration at its worst."

Passow disagreed with the legal opinion released yesterday by Federal District Court Judge James Skelly Wright that there is racial and economic discrimination in D.C. schools. Passow said he does not believe poor Negro children consistently receive an education inferior to that of white or middle-class pupils in the District.

Passow, a professor from Columbia University Teachers College, said his study team found "schools in the Cardozo area with every bit as good a staff as some schools west of Rock Creek."

Passow's remarks were made at a news conference called to explain preliminary conclusions of a $250,000, year-long study of District schools. General recommendations of the team were announced over the weekend. A 1000-page report on the study will be released by Oct. 1.

The discussion of the Passow study yesterday coincided with Judge Wright's release of his opinion on a court case aimed at proving that Negroes suffer from de facto school segregation. The opinion on the suit, which was brought by civil rights leader Julius W. Hobson, called for immediate elimination of racial and economic discrimination in the schools, and abolition of the track system.

Passow said the team would have "a very clear position on integration and desegregation."

He said the team will recommend that District schools develop instruction materials and programs to give children the same types of experiences they might gain from attending integrated schools. This could be achieved by taking children to visit cultural sites or by use of special educational facilities at a "learning center;" and by using books which "alert the children to racial and cultural diversity," Passow said.

Passow said no U.S. city has achieved suc-

cessful integration by "sending children over its borders" because "there is no way to compel white children to come to city schools from the suburbs."

The District should concentrate on proving that a Negro school system can be a good one, he said. "Then if the suburbs want to send kids into the District," he added, "we'll screen them closely and charge appropriate tuition."

Passow also said the track system of placing children in classes according to ability should be replaced by "flexible grouping." Teachers should be encouraged to divide children into groups of different sizes for different activities, he said.

Children can be taught in groups made up according to interest, talent, potential ability or motivation, Passow said.

Passow said young children—from three to seven—definitely should not be put in "tracks." The report calls for a school program for all youngsters starting at age 3.

Passow also outlined the possible operation of a series of local school boards designed to give a community "as much authority as possible" over educational policies.

Washington could be divided, for example, into eight districts with about 20,000 children in each. Passow said he would like to see an elected, local school board which would be related to the central Board of Education in the same way local school boards usually work under a state board of education. He said he does not know if this would require congressional changes in District law.

Passow said the study will also call on local universities, colleges and organizations to help improve D.C. schools.

"All these national organizations have headquarters here, and they couldn't care less" about the quality of educations in the District, Passow charged.

He suggested that colleges develop ways of training teachers to work in inner-city schools.

REPORT ON VIETNAM AND SOUTHEAST ASIA

Mr. DOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOW. Mr. Speaker, I have just returned from Vietnam and other countries in Southeast Asia. I was sent there on funds raised by 800 of my constituents. I talked to 80 officials and leaders at all levels, half of them Americans and the rest either Vietnamese or knowledgeable foreigners. I was accorded the fullest courtesy and cooperation by American and Vietnamese officials.

With your permission I extend in the RECORD a brief summary of the verbal report I gave to my constituents at a meeting June 18 in New City, N.Y. The full report and supplemental comment will be presented to you in a short time.

Mr. Speaker, I have to say again that the involvement of our Nation in Vietnam is a grievous mistake. It must be rectified by deescalation of the conflict, rather than further escalation. I might add that the society of South Vietnam is fractioned into many groups. There are no articles of faith which bind them all together. The United States is the loser in this situation, for we must provide the support and pay much of the cost.

Further, it is a sad fact that in this august body there are so few who represent the widespread misgivings about the Vietnam involvement which prevails among millions of our American public.

My summary report on Vietnam is offered here for the RECORD:

SUMMARY OF CONGRESSMAN JOHN G. DOW'S REPORT OF HIS TRIP TO VIETNAM, JUNE 18, 1967

During my trip to the Far East, I interviewed in considerable depth a total of 79 different people in all walks. These included American, Vietnamese and foreign diplomats, war correspondents, U.S. AID workers, Buddhist venerables, Catholic archbishops, servicemen and intellectuals. Also, I visited the cities of Saigon, Cantho, Danang, seven villages and four hospitals.

Before I left for Vietnam, I said that there are several reasons—that have little to do with the local situation in Vietnam—why the United States should not be fighting in Southeast Asia.

First, there is danger that in our effort to stamp out Communism around the world we may stamp out legitimate rebellion among many of the two billion people of the underdeveloped nations. I still don't feel good about sending our boys to fight against hungry men who are struggling for a better existence.

Second, should the United States act as a world policeman? I asked this question of Premier Ky. He gave me the answer, "You can't help yourselves." This is an honest answer because it recognizes that we are becoming a world policeman. The danger in this is that it could turn us into a police state and jeopardize democracy all over the world.

Third, in the age when the British, French and Dutch have all been ousted from Asia, it seems to me that we are running against the tide of history to go back on the beaches there.

Fourth, in our efforts to work out a solution in Vietnam, we are constantly taking the world to the brink of a nuclear catastrophe.

Fifth, we have two tremendous bases in Southeast Asia, one in Vietnam and the other in Thailand. These are two more links in the chain of bases we have around China. It seems to me that instead of checking China, these two bases will generate a reaction by China and other Asians that will never end as long as the bases remain.

Now, getting to Vietnam itself, let me give some of the points that need to be noted. First off, there is an almost universal admission by all hands that widespread corruption exists in the Vietnamese government. This is centered in the provincial governors who are mostly appointed army officers. Rice promised to needy peasants oftentimes fails to reach them.

Perhaps the main finding from my trip is the great number of disunited groups in South Vietnamese society. The Buddhists are divided into two groups. Both of them oppose Communism; but one wing believes that the United States is fighting without the support of the Vietnamese people. In addition to the Buddhists there are two other sects, the Hao Hoa and the Cao Dai, which add to the factions in South Vietnam. Another group is a million Chinese who are fearful of China, their mother country.

The Catholics are still another group. Their laymen belong to a political group named, "Greater Solidarity Forces." The Catholics are hoping for peace and adhere closely to the counsel of Pope Paul. Besides these elements there is a labor union of nearly half a million. Further, there is a faction of intellectuals, educators, and college professors which, while they do not want Communism, are very critical because the United States is not solving the problem of unity that is so greatly needed in South Vietnam.

Besides these groups there is the jealousy that exists between the South Vietnamese public and the several Northerners who rule in South Vietnam. Still further, there are the groups of refugees, mountain tribes and peasants.

The military forces also represent a group which is resented by many who would like more civil liberty. These many groups in South Vietnam do not conflict too openly. The sad part is—and this is a great fact about South Vietnam—they do not cooperate with one another. There is no common belief that binds them together, and no leader that they all look up to. In this state of disunity they are hard put to oppose the monolithic dogma of Communism which the Viet Cong teach to the peasants.

The coming elections are regarded with some hope, but there is much fear that they will be manipulated by the security officer, General Nguyen Loan.

The conduct of American troops is highly praised by observers in Vietnam. Our troops are doing their duty to the fullest. While there is much destruction by bombing in South Vietnam, most of the pockmarks from bombing that I saw from the air were out in the fields and not in the villages. I saw only four cases of persons in the hospitals who were burned by napalm.

I tried to find out why the Viet Cong fight so hard. It was generally agreed that only 10 percent of them are Communists, and the other 90 percent are Vietnamese nationalists. For 25 years the Vietnamese peasants have been fighting intruders—first, the French, then the Japanese, then the French again, and then oppressive governments of their own. All this has developed a dislike of outsiders that is sometimes transferred to United States soldiers. In many villages it takes a long time for the Vietnamese peasants to recognize that our soldiers are not trying to take from them.

The Viet Cong fight because they have suffered from the French occupation. Nearly all of the generals in the South Vietnamese army are men who fought on the side of the French. There is little opportunity for advancement in the South Vietnam army for anybody who doesn't have some college training. Uneducated, but able, peasants find more opportunity with the Viet Cong than they do in the South Vietnamese forces.

The pacification teams that the South Vietnamese government sends into the field—59-man cadres—are criticized in some cases for corruption and lack of dedication. They are unable by and large to stay in the country villages unless they are supported by platoons or companies of the South Vietnamese army.

That part of the war which is the pacification and winning of the peasants is very difficult. For centuries the central government, and outsiders generally, have been taking from the peasants high taxes, high rents, and all the rest, while giving almost nothing in return. It is the near impossibility of rooting out this distrust and resistance to outsiders and foreigners from among the peasants that makes the winning of the war such a long process.

I asked nearly everyone how long it would require to "win" the war. About half of the people I interviewed spoke of "three or more years". The other half said it would take "a long time". Nobody, however, would say what the "win" would be like. Would a complete pacification of the distrustful peasants be regarded as a "win"? Or would we have to defeat the North Vietnamese army?

At present that army faces our marines with three divisions at the Demilitarized Zone. I was told that North Vietnam has 14 divisions in reserve. I suspect that if we should succeed in pacification we would have

to leave hundreds of thousands of our troops to maintain quiet after a so-called victory.

My own recommendations, which are offered with full awareness of the very complicated situation, would be as follows:

First, stop the bombing of North Vietnam unconditionally. If the bombing is weakening North Vietnam, I was told that this would make her more and more dependent on Red China.

Second, our forces ought to be regrouped in the bases at Danang, Nha Trang, Saigon, and coastal fortifications. Fewer of our boys will be killed in these positions and it will be a sign to the South Vietnamese that they have to join in straightening out their own affairs.

Third, the United States ought to call all factions in South Vietnam together. They should be urged to assume more of the burden of saving their country.

Fourth, the United States should invite all nations with any stake in Vietnam to participate in a solution. This should include the United Nations, the Viet Cong, and the Geneva Accord nations.

A new awareness that I bring back from Vietnam relates to the responsibility we have to those brave village officials and religious leaders in the countryside who have sided with us in spite of the Viet Cong terror. I think we have to make sure that these people are guaranteed protection under any settlement that is negotiated.

Finally, I'd like to pay tribute to the many dedicated Americans in the U.S. AID program and in private organizations who serve with such devotion in Vietnam. I hope their work continues if we ever reach a time of peace.

WE NEVER LEARN

Mr. HALEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, I have asked permission at this time to place in the CONGRESSIONAL RECORD an editorial, "We Never Learn," which appeared in the Winter Haven Daily News-Chief of June 16, 1967.

Publisher and Editor William E. Rynerson expresses concern over the fact that we never do learn from the events that occur in connection with our foreign policy. This Middle East crisis is a regrettable, unfortunate thing. It is another one of those situations where we have been arming other people of the world through our foreign aid program and the ones we have not been arming, we have been feeding while they received the armament they sought from the Soviet Union. Through our foreign aid program, as in the instance of India, we find truth remaining in the old adage about "biting the hand that feeds you."

I commend Mr. Rynerson's editorial to the attention of my colleagues. I hope that we will begin to learn some lesson from these recent events:

WE NEVER LEARN

The United States has rescued the Egyptians not only with food, which ran into the millions of dollars, but in 1956 when we actually backed off the Israelites, Britain and France on the matter of the Suez canal. But despite this help which kept the Nasser government in power and his people from starving, we find these ungrateful people burning our libraries, endangering American lives, tearing up our embassies and consulates and costing us millions of dollars for no good reason at all.

It's high time that we begin to re-evaluate our positions around the world. It is time we begin to think into the future. It's time that we let not only the people whom we help know that we are the ones keeping them alive, but it's time we let Russia and the communists around the entire world know that we are tired of their actions in stirring up trouble wherever they can to embarrass us. We imagine that their faces are even redder than normally over this Mideast fiasco which can be laid right at their doorstep. But mark these words—someone in our government will want to open trade with Russia and her satellites—poo-pooing the idea that they'd cut our throats in a second if they could figure out how to do it without being openly involved. Will we never learn?

LENOX BICENTENNIAL

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, Lenox, Mass., nestled in the heart of the Berkshires, has experienced many fine moments. This week Lenox, famed for its natural beauty all year round, celebrates its 200th anniversary. The official series of events opened June 18 with religious services in all churches and close with a gala parade on June 25, expected to be one of the largest gatherings in the history of the county.

I had hoped, Mr. Speaker, to march in the parade with my fellow citizens. My duties, however, will take me elsewhere for the day, and so I would like to take this opportunity to inform my colleagues of some of the outstanding events in Lenox's history.

Lenox's first citizen, Jonathan Hinsdale, came from Hartford, Conn., in 1750 to get away from the world and the ever-increasing population of Hartford. Hinsdale's cabin, located south of Courthouse Hill, still is intact and stands as a monument to the town's first settler.

The early history of Lenox was peaceful, yet in 1755 all the inhabitants were forced to flee hastily to Stockbridge as a result of attacks by "marauding redskins acting in unholy collusion with the French."

The settlement of the conflict with France once again made Lenox safe, and the community began to thrive. In 1765 the present towns of Richmond and Lenox were incorporated. The town was named Richmond after a liberal English noble, Charles Lenox, Duke of Richmond. On February 26, 1767, the eastern section, separated from the rest of the town by the central mountain range, was incorporated under the name of Lenox.

The list of Lenox's Revolutionary War patriots is imposing. The most famous was Col. John Paterson. Under Paterson's leadership the Lenox regiment built in 1775 the first fort for the siege of Boston. Paterson's men were later to cross the Delaware with General Washington and fight in the battles of Trenton and Princeton. By 1777, Paterson's regiment was cut almost to 200 men, one-third of its original strength. Judge Julius Rockwell commemorated these valiant soldiers at Lenox's celebration of America's centennial when he said:

And herein consists the great merit of these officers and men. They suffered, sickened, died, that we might live; that we might live in America under American government.

Rockwell also paid tribute to the mothers, wives, and sisters of these soldiers who were found everywhere encouraging their men. Says Rockwell:

They knew a free government would elevate the character of their sons and bless the homes of their daughters.

Lenox's achievements in religion and education were as splendid as her record on the battlefield. The First Congregational Church was erected in 1768 at the town's expense. The town meeting adjourned explicitly on August 3 of that year to witness the pounding of the first stake. Lenox then became the county seat for Berkshire County in 1787.

Lenox Academy, where to graduate was a virtual passport to any college, often even into the sophomore class, was founded in 1803. Mrs. Charles Sedgwick's School for Girls, later to become Lenox School for Boys, was established in 1828. These institutions, in addition to the rare physical beauty of the town, made Lenox a superior intellectual and cultural attraction.

The peaceful solitude of the Housatonic Valley was invaded by the railroad for the first time in 1838. The new connections with Albany, Boston, and New York opened the way for the vast and fashionable estates that soon surplanted the Yankee farmer. French palaces, Italian villas, and Elizabethan halls quickly replaced the traditional symbols of New England.

In 1868 the county seat was transferred from Lenox to Pittsfield. The move was made primarily to accommodate the summer visitors who found the hubbub, jostling, and general confusion of the courthouse quite unpleasant. Thus the calm of the "gem of the Berkshires" was maintained.

The Gay Nineties marked the height of this social splendor. Parades, hunts, horse shows, and gold tournaments all added to the festive mood of the times. From 1883 to 1900 the valuation of the town more than doubled. Its worth in 1900 was $3,750,004 as compared to $1,599,411 in 1883. Symbolic of this era of the moguls was the completion of the huge Aspinwall Hotel in 1902. Crowning the ridge and commanding a view of the valley from Mount Greylock to the dome, the Aspinwall stood, until its catastrophic destruction by fire in 1931, as a reminder of an era of luxury; an era when Lenox took all the polish wealth could put upon it.

The Lenox of the 19th century also stood high in the literary world. Catherine Sedgwick, sister-in-law of Mrs. Charles Sedgwick, moved to Lenox in 1821. There she wrote her first novel, "A New England Tale," which made her one of the pioneers of the new and independent American literature. Her pres-

ence also attracted a group of gifted English women to Lenox, among them Fanny Kemble, the noted actress who said of Lenox, "I never looked abroad upon the woods and villages and lakes without thinking how great a privilege it would be to live in the midst of such beautiful things."

Nathaniel Hawthorne spent a year and a half in Lenox. Occupying a tiny house overlooking a hillside, Hawthorne was so overwhelmed by the scenery that he remarked, "I cannot write in the presence of that view." Nevertheless, he completed "The House of the Seven Gables" with herculean determination in only 5 months. "Tanglewood Tales" and many other stories also were written in this house on Stockbridge Bowl, where Oliver Wendell Holmes was a frequent visitor. Other notable visitors to Lenox were Ralph Waldo Emerson, Harriet Beecher Stowe, and Edith Wharton.

Lenox's interest in the arts has not only continued but expanded, now to include the world-famous music festival which takes place every summer at Tanglewood, the estate donated to the Boston Symphony Orchestra by Miss Mary Tappan and her niece Mrs. Rosamunde Hepburn in 1937. Combining the magnificent simplicity of the huge concert hall, called "The Shed" and the musical vision of Serge Koussevitzky, the orchestra's conductor at that time, the festival has become a unique musical event in the whole country, nay, the whole world.

Looking back, then, over 200 years of history, Lenox has much for which to be proud and thankful. She remains today a bastion of intellectual and cultural opportunity as a credit to the physical bounty nature has bestowed upon her. I sincerely hope my colleagues will join me in expressing my deepest gratitude to Lenox on this, her 200th anniversary.

CLARKE SCHOOL FOR THE DEAF—100 YEARS OF PROGRESS

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, each of us in our daily lives faces innumerable problems and frustrations; some minor, some major, and too many of critical urgency. Our tensions and anxieties seem to mount day by day and, in this hectic 20th century, we have made an indispensable necessity of the aspirin tablet and the stomach alkalizer.

But as burdensome and uncertain as life has become for many of us, our troubles pall somewhat in comparison to those who must make their way, who must endure all of the troubles each of us faces in today's fast-moving world, with a major physical handicap. And our difficulties pall even more than somewhat in comparison to those whose handicap inhibits or completely destroys the function of one of our five major senses.

We can only guess, for example, at the day-to-day agony and the dimensions of courage needed to overcome it for one who has lost the power to hear. In an age in which more and more depends on oral communication, on the distinguishing of sounds for virtually every kind of communication, from a simple declaration of affection to an urgent warning of imminent disaster; it is difficult for those of us blessed with the power of hearing to imagine a world of utter silence.

It is, therefore, with a great deal of pride, and of gratitude and appreciation, that I call the attention of this body to an institution in the First Congressional District of Massachusetts that is dedicated to easing the burdens of the deaf; to bringing the miracle of communication to those who have lost the natural sense which so many of us take for granted.

I am happy to relate to my colleagues the story of the world-famed Clarke School for the Deaf, in Northampton, Mass., which is now celebrating 100 years of helping deaf children.

In the 1860's the deaf child faced a dismal future. Such children usually lost the ability to speak, if they ever had it, and were placed in an asylum. Their deafness was a very real prison for them and for society. In 1861 Gardiner Green Hubbard sought help for his young daughter, made deaf by scarlet fever. The only alternative he could accept meant sending his daughter to a special school in Germany. Seeing an obvious need, Hubbard started a personal campaign to enlist State help in properly providing for the deaf in this country. His efforts, unfruitful at first, became successful after he joined with Miss Harriet Rogers a tutor who had mastered the technique of oral education for the deaf. In 1866, Miss Roger's brother-in-law, Mr. Thomas Talbot, saw fit, as a member of the State Legislature of Massachusetts, to directly seek Governor Bullock's aid on behalf of his sister-in-law and Mr. Hubbard.

The time was right. A "gentleman from Northampton," Mr. John Clarke, who suffered from deafness, wanted to help deaf children. He offered the State $50,000 for the establishment of a school for the deaf in Northampton. With this fortunate financial support, Clarke School and the Clarke Corp. became a reality in June and July of 1867. So it is that we now commemorate the 100th anniversary of the Clarke School and its pioneering efforts in the field of oral education of the deaf.

The events leading to the founding of the Clarke School involved a number of people, reflect the power of an idea in a determined group of people, and demonstrate the role that an alert and responsive government can play. The Clarke School continues to function successfully because both private and public interests continue to support the vital role the school plays.

I would particularly like to cite the dynamic leadership which has perpetuated Clarke's leading role. Gardiner Green Hubbard, Lewis J. Dudley, Alexander Graham Bell, and Mrs. Calvin Coolidge have served as chairmen of Clarke's board of trustees. Today, E. O. Kollmorgen serves as chairman of the board. His numerous efforts for his school and his community reflect uncommon dedication and devotion. Serving with great distinction as Clarke's president is Dr. George Pratt. Dr. Pratt is active in seeking Federal help and cooperation in the area of special education. Even with increasing Clarke's enrollment, he has built his widely known Summer Institute for Teachers of the Deaf. Dr. Pratt leads his school in an international quest for bettering the lot of deaf children.

On June 18, I was honored to be present at the International Conference on Oral Education of the Deaf, in Northampton. The Federal Government is playing an increasingly significant role in this area, a role made necessary by the particularly high cost of specialized education. The task of the National Government primarily concerns teacher training and the dissemination of research findings. Since 1961, the Federal Government has expended at least $4½ million on training in this area. Representatives of the Department of Health, Education, and Welfare, attending this Conference, witnessed the supportive role which the Federal Government can play in the education of the handicapped.

It is equally obvious that individual devotion, creativity, and initiative enable the Government to fulfill its role. This international conference, held jointly at the Clarke School for the Deaf and the Lexington School for the Deaf, in New York City, reflects the need of public and private cooperation. Its international contributors, including delegates from Canada, South America, Europe, Africa, the Middle East, Asia, and Australia reflect a worldwide concern.

This Conference's concern for financial, administrative, physical, and psychological factors reflects a comprehensive appreciation of the problems of the deaf. I am always anxious to support advances for education, and the special problems of the handicapped deserve particularly sympathetic attention. On this occasion, the 100th anniversary of the Clarke School and of oral education of the deaf in America, I urge my colleagues to take note of the advances made, and to work to make further advances even greater and more far reaching.

H.R. 7476—SILVER CERTIFICATES DEBATE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, on Monday, June 12, 1967, during the consideration of H.R. 7476, I engaged in a colloquy with the distinguished gentleman from Texas [Mr. PATMAN], wherein I inserted in the RECORD a copy of a letter which I had sent to him. At his request, I promised that when the gentleman answered that letter, I would insert

his reply, together with a reply from the Treasury Department, in the RECORD, which I do so at this time.

The matters referred to follow:

COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., June 15, 1967.

Hon. ELIGIO DE LA GARZA,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: As I promised you during the debate in the House on Monday, June 12, on H.R. 7476, the bill dealing with silver certificates, I am now sending you immediately upon receipt from the Treasury Department a report on the letter you sent me on May 23 quoting a constituent's problems in obtaining silver for his silver certificates.

According to this report from the Deputy Treasurer of the United States, Mr. W. T. Howell, there should be no difficulty whatsoever in obtaining silver at the New York Assay Office (or at San Francisco) without fees of any kind. Also, according to this report, an individual does not have to appear in person but can arrange to have this done through a friend or relative or through a bank.

During our colloquy on Monday, at page 15465 of the *Congressional Record*, I expressed the belief that you would want to put into the *Congressional Record* this reply from the Treasury Department, in view of the fact that you were inserting your letter to me in the Record.

If I can be of any further assistance in this matter, please do not hesitate to let me know. Certainly, holders of silver certificates are entitled to obtain silver if they so desire. Under the terms of the legislation we passed on Monday, they will have a full year in which to make this election.

Sincerely,

WRIGHT PATMAN,
Chairman.

TREASURY DEPARTMENT,
FISCAL SERVICE,
Washington, D.C., July 13, 1967.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the Secretary, I am responding to your letter of May 26 and the copy of a letter that you received from Congressman de la Garza, concerning one of his constituents who expresses some criticism of the limited means available for the redemption of silver certificates in silver bullion. He is also critical of the provision in the silver legislation now pending which would limit to one year following its enactment the period within which silver certificates would be redeemed in silver.

Silver certificates are redeemable at San Francisco as well as New York, notwithstanding the rumor he has heard that San Francisco is not redeeming silver certificates. When silver certificates were redeemable in silver dollars there was only one place at which the right of redemption was absolute, which was at the Treasury in Washington.

An individual does not have to pay the Assay Office a fee and does not have to appear in person to exchange certificates. The services of a friend or relative are equally effective, or if that is not possible a bank which has a correspondent banking relationship with a bank in New York or San Francisco can accept certificates, send them to its correspondent and have the exchange made and the silver bullion delivered in accordance with whatever directions the purchaser may give.

The proposed legislation which your Committee reported favorably does not provide for repudiation of silver certificates. It provides for a one year period during which silver certificates will be redeemable in silver, an entirely reasonable period in view of all the circumstances. I know that you are acquainted with the problems we have had and will continue to have with silver, and I hope this information will assist you in responding to your colleague.

Very truly yours,

W. T. HOWELL,
Deputy Treasurer.

REDWOOD NATIONAL PARK

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, I take the floor of the House today to express my strong hope that the Congress will speed up its deliberations on the proposed Redwood National Park. I recognize the fact that we in Congress are faced with a multitude of problems that relate directly to our safety and security in this troubled world, but I do believe we must move more rapidly toward resolution of some of our more pressing domestic issues which, as in the case of the Redwood National Park, have been pending before the Congress for several years.

Those advocating a park are strongly urging early consideration and the creating of the park.

Also, the solution of the problems posed by the Redwood National Park issue is of major importance to my congressional district, a district which is currently plagued with one of the highest rates of unemployment in the Nation, primarily because of Federal Government action or policies. The most important factor in the high unemployment rate is the recent seige of tight money which caused a severe turndown in housing construction and a resultant cutback in lumber production.

In addition, the doubt over the location and size of the proposed Redwood National Park has forced many lumber companies to reduce or postpone planned expansion programs until the issue can be settled.

This Congress must take final action soon to avoid any further harm to our economy. The problems caused by tight money are lessening to a great extent but the problems of the Redwood National Park have yet to be solved. The Redwood National Park can be a most valuable asset to our economy. That is, it can be an asset if the Congress will act promptly to authorize the park and if the Congress will make certain the park it authorizes will compliment existing industry and add to it rather than destroying jobs.

Any increase in tourism caused by the creation of a Redwood National Park cannot supplement a substantial dislocation in the present economy caused by that park. Our experience, in the Redwood region, with the tourist traffic associated with the recent world's fair in Seattle, Wash., was very revealing. The highways, during the tourist season, were "saturated" with automobiles. This gave us a firsthand opportunity to judge the potential impact of tourists on our economy. It provides us with the most accurate evidence of what we can anticipate in revenue through the creation of a major tourist attraction facility such as Redwood National Park and Seashore. Therefore, I would remind my colleagues that it is possible to enact a Redwood Park bill which will add to the economic base of the area so as to lower the existing unemployment rates and to improve the local economic picture.

The most recent unemployment statistics for my congressional district are sufficient testimony to the severe economic problems we face. Four of the six counties in the district have unemployment rates of over 10 percent. In the early months of 1967, Humboldt County had 15.7 percent; Mendocino County had 15.5 percent; Sonoma County had 12.1 percent; and Del Norte County had an 11.8 percent unemployment rate.

I expect that these rates will slowly be lowered through the easing of tight money policies and the subsequent increase in housing starts and other construction. We look to the future optimistically. We feel sure a Redwood National Park is going to be established. We simply hope that this Congress will, in its wisdom, enact legislation creating a park which will help us lower our high unemployment rates rather than adding to them.

I am for a Redwood National Park. I urge that we here, in the 90th Congress, create it, sponsor and nourish it for the pleasure of those who will use it. I believe that we can do so without creating a vast, economic wasteland of an area that is now struggling to regain its economic stability.

The argument that tourism can supplant a large existing industry is not substantiated by the knowledge we now have of the effects tourism can have on a region. The recent study, "Recreation as an Industry," by the respected Robert R. Nathan points up some of the fallacies in this argument and some of the statistics related to tourism. In a report for the Appalachian Regional Commission, Mr. Nathan wrote:

> Recreation resources vary in type and quality—scenic, climatic, historical, cultural, or entertainment—and there is no unique formula by which attractiveness is determined. The ability of a resource to attract visitors may depend on its rarity or on the diversity of recreation activities it offers.
>
> However, there are several factors that limit even the relative impact of the recreation industry, even in a poor county. The first is the nature of the industry itself, composed, as it is, largely of services and trades which everywhere are among the lowest-paid: hotels, restaurants, and amusements. National statistics show, and our case studies confirmed, that although recreation provides many opportunities for proprietors of small business and generates demand for high and middle skills in construction and maintenance, the typical and average employment is in undemanding jobs with relatively low productivity and consequently low pay.
>
> Moreover, the seasonal nature of recreation is reflected in irregularity of employment that limits annual earnings and tends to attract workers from the fringes of the labor force. Though there is evidence of the

success of many segments of the industry in lengthening the season by capitalizing on the rising incomes and increasing time and taste for a variety of recreation activities (skiing, winter vacations, weekending, etc.) the industry remains one of the most seasonal. As the case studies show, the two-month summer season is no longer so common as it was, but few seasons extend beyond six months.

As the result mainly of these two characteristics, recreation alone almost never can provide a base for a viable economy. Where it is successfully exploited, however, it can provide significant and valuable supplementary benefits to a local economy based on manufacturing, mining, or agriculture.

First major public investment in nonmetropolitan recreation resources would rarely be justified solely or even primarily, for the sake of the economic impact on the local area. The principal justification for public investment in recreation is to satisfy the demand for recreation in a society which is becoming increasingly metropolitanized, in which recreational open space is at a premium. The economic impact, such as it is, will likely be marginal and justifies public investment commensurate with the marginal benefits.

While the customers must go to the industry, they choose their own time. As a result, the demands on the services of the industry are very uneven, as between months of the year, days of the week, and even hours of the day. But of course, the output of the industry cannot be stocked or stored. Seasonality and other irregularities of demand in the recreation industry mean fluctuations in the demand for labor, supplies, and an under-utilization of fixed plan. Hence, investment cannot be fully exploited.

Employment in recreation compares unfavorably with employment in other resource-based industries. Except for management, skill requirements, productivity, and value added are low for most jobs. Consequently, the wage scales are low; in fact, they are among the lowest. Further, recreation has more job opportunities for women and this has serious consequences on the employment structures of those communities where recreation is a major component of the economy. Finally, due to the seasonality of the industry, much of the employment offered is more in the nature of supplemental rather than staple employment.

The ups and downs of the national economy affect nearly all economic activity, but the effects are more immediate and more pronounced in recreation than in other consumer industries. The same income-elasticity that has led to growth of demand as incomes have risen, makes vacations and all forms of recreation expenditures sensitive to recession. These expenditures are among the first to be cut back in the family budget when incomes drop. Another uncertainty is the weather. The effects on the industry of a "poor" summer or winter can be quite drastic. And successive seasons of "unseasonal" weather cause extended unemployment and a serious drain on entrepreneurs' capital.

As a general rule, a very large fraction—half or more—of the visitors to almost any recreation originate in the state in which it is situated or in the adjacent states. Generally this represents a two-hour driving time radius. In the case of resources situated close to large metropolitan populations, the fraction approaches 100 percent.

In this context it may be useful to discuss two general misconceptions. One concerns the income of visitors and the other the impact of campers. Great emphasis is often placed in recreation studies on the importance of attracting high-income visitors. It is assumed that the greater the family income the higher will be the expenditure. While there have been no systematic studies on this point, interviews with a number of recreation establishment operators indicated that there is little correlation between income and amount of expenditure while on vacation. Total annual expenditure by high-income families may well be greater, but family income is no guide to the per day expenditure in a given recreation area.

The smallness of recreation establishments, in terms of employment and investment, is well documented. The last Census of Business taken in 1963 reveals the small average employment among the several types of service establishments. (See Appendix Table B–1.) A more recent study of private outdoor recreation enterprises shows that they are predominantly small. Only 5.6 percent of all enterprises employ five or more persons year round, and even during the peak of the season no more than 15.4 percent have five or more employees. Over three-fourths of the establishments have no year-round full-time employees, and during the season well over half manage to run their businesses without full-time help. These national figures tend to be on the low side because the study includes enterprises which provide supplementary incomes. The Chilton Study also shows that median capital investment for full income enterprises is about $64,000 and only $8,000 for supplementary income enterprises.

Control of access to recreational resources raises questions concerning the intensity of use which can be permitted without overloading or damaging the resource, or which is compatible with its other uses.

Considering the quality and the magnitude of recreation impact which results from a single attraction, it appears that the financing of a recreation facility in depressed areas in isolation from other developments is questionable.

The concentration on food, lodging, and amusements largely defines the local impact of tourist recreation. These are, for the most part, small sectors of the economy. In West Virginia, for example, these three sectors, while they accounted for more than $150 million of business (local and export), occupied, in all, about 20,000 people, (including 4,000 proprietors) in a total labor force of 590,000. Moreover, these were sectors of small establishments and low earnings. The earnings reported for Social Security contributions in these sectors were about half the average, and even allowing for underreporting of tips, they were far lower than earnings in other sectors. This is true of relatively high-wage states and relatively low-wage states both, as the tables for Pennsylvania, West Virginia, and Tennessee demonstrate.

Most of the jobs in motels, restaurants, and amusement establishments need little training and skill, and the wages are therefore low. Thus, most employment in the service and trade industries is low-paid. The recreation industry, therefore, offers few opportunities for the skilled and ambitious among the local labor force who, in the absence of suitable local employment, must look elsewhere.

Moreover, a relatively large proportion of the employment is part-time or part-year. Full-time and part-time jobs are available for varying lengths of seasons and the highest demand, sometimes twice as high as the average demand, is during the summer or winter peaks. Workers in those jobs which are available full-time for the whole year, or for at least eight or nine months, are fully in the labor force and derive year-round incomes. Depending on seasonality and type of facility, this type of employment may account for less than half of the total employment in a recreation area. The rest of the incomes are earned in short-term, full-time, or part-time jobs by workers whose attachment to the labor force is seasonal or supplemental to some other activity, often students, housewives, or farm women. Thus a high proportion of such workers are women.

More conclusively, of the many millions of dollars visitors and tourists spend, the resulting incomes to the people serving the visitors are on the average very low, usually inadequate as income for a family and often even for a single person.

The analysis based on the number of jobs provided by the recreation industry, even those that are year-round, exaggerates the economic impact, because so few of the jobs pay a living wage. There is a limited demand for occupational skills which pay an annual wage of about $6,000 per year. Examples of better paid jobs are mechanics at amusement places and ski lifts, construction workers, professionals in the theater, public park employees, and a few at administrative and managerial positions at larger recreation establishments. In the small and medium sized enterprises the proprietors will normally perform those jobs which require skill and training. Examination of the composition of the labor force in the study areas on the basis of skills and wages, reveals that some areas provide hardly any jobs that pay an adequate family income.

In the final analysis, therefore, after having sifted out the short-term and casual employment, and, in turn having narrowed the year-round employment to that employment which provides a primary family income, we find just a few areas where perhaps 50 to 100 employees make a living out of recreation—aside, of course, from the proprietors and managers. All the other hundreds and thousands of man-years represent in varying degrees supplementary incomes. It is not surprising that the overwhelming number of these jobs are filled by women, and many in the peak periods by students.

Taking the three major groups of enterprises: (1) food, (2) lodgings, and (3) amusement and recreation services, we find that the most labor-intensive establishments are hotels, motels, tourist courts, and camps, (121 proprietors and employees per $1,000,000 of receipts) and the lowest intensity is in the amusement and recreation service establishments (91). Eating and drinking places provide on the average 113 jobs per $1,000,000 of receipts. Within the major groupings of businesses there are, of course, variations in labor intensity. For example, hotels, because of the extra service they provide, show a higher intensity than motels, and trailer parks and recreation camps show a lower intensity than motels. Among the eating and drinking establishments, restaurants and cafeterias are more labor-intensive than refreshment places and bars. The widest range is found among the recreation or service establishments, but as a general rule, urban recreation establishments are more labor-intensive than outdoor recreation facilities.

The measurement of impact does not end with the number of jobs created. It is the wage level (as well as duration of employment which is discussed under seasonality) which determines total disposable income for local spending by recreation employees. Compared to manufacturing employment, the wages in the service and trade industries are low, and the recreation sector includes some of the lowest wages. Most of the occupations require simple skills and little training; consequently the pay is poor.

The range is considerable. For example, such typical vacation attractions as amusement parks and horse racetracks pay annual wages of over $6,000; even the lower paid jobs in golf clubs and at natural tourist attractions are above the wage level of motels and restaurants.

Hourly wages are not uniform for each type of recreation employment throughout the country because of regional differences in the labor market. Jobs in recreation, as in most service establishments, are not covered

by a "minimum wage," and generally labor is not unionized. These factors mainly account for regional variations. For example, in Gatlinburg and Cherokee hourly wages range between 60¢ and $1.25, and in Park City where labor is unionized, the range is between $1.00 and $2.40. In the other areas the range is between 75¢ and $1.50. It should be noted that even farm laborers could not be attracted at these hourly rates.

Aside from the predominantly low wage level, employment is adversely affected by the uneven seasonal labor demand. There are two employment aspects to the seasonality of the recreation industry. The first relates to the actual length of the season and the second to the peak activity within the season. The season has become longer but the peaks remain.

A further employment effect of seasonality is the scarcity of workers to fill jobs demanding greater skills. In all study areas it was found that many of the skilled jobs, such as cooks, mechanics, and managerial positions, are performed by the proprietors and their families. They have difficulties in recruiting or holding adequately skilled persons largely because of the competition with permanent or otherwise more advantageous positions which are available in nearby towns. There is a consistent pattern of daily commuting of the skilled and semi-skilled workers who live in or near recreation areas to the surrounding towns.

I think Mr. Nathan points out the problems involved. This issue of the Redwood National Park comes while the people of my district are struggling to rebuild their homes, their communities and lives in the wake of consecutive disasters. First it was an earthquake, next a flood, then tidal waves, fires and, seemingly, every other destructive act of nature. Even so, none of these could do to the will and spirit of the people in the First District what the Federal Government now might possibly do—put them out of work or demean their existence by destroying the industry that supports them.

As Members of Congress we accept the high calling of governing instead of being governed. We are charged with imposing our collective will upon the people of America. If we impose it wisely they will be the better for it. If not—by depriving men and women of their jobs, their chosen calling all out of proportion to need—then we are not legislators but, instead, economic hatchet men, unmindful of man's destiny and his right to build and prosper for himself, his family, his community, and his God.

Now, with one fell swoop, a multimillion dollar industry, a way of life, a community of people might be plucked out of their place in the sun, shorn of their birthright, their property, and their economic security. And nothing under that sun could ever replace the skill, production, and pride that now exists among them as laborers in one of the most basic industries in the land.

Slice it anyway you like, saw it, strip it, grind it into economic or aesthetic double-talk and it still comes out one way—job wrecking.

I do not envy those among us who in the haste of their decisions lay their hands of approval on any such scheme. Particularly, when with judicious foresight they can have a better Redwood National Park and Seashore and the people of northern California can keep the place of usefulness and dignity their labor has earned for them.

I hope all of you will keep an open mind on this matter, it is readily recognized as the most complex conservation proposal ever to be considered by the Congress.

No one should make up his mind until such time as the House has completed its hearings and the committee members have visited the area. This is the only way you can have access to all the facts.

Let me assure you, as the Congressman from the area, it is my desire to create the finest National Redwood Park and Seashore attainable consistent with sound economic factors and with full consideration being given to both schools of conservation thought—preservation conservation and wise multiple-use conservation as they relate to this unique redwood region on the north coast of California.

AREA HELICOPTER SERVICE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, interest in establishing regularly scheduled helicopter service for the Washington area has been rekindled with the announcement of 11 airlines that they would seek Government approval to link Dulles, Friendship, and National Airports with one another, and downtown Washington.

An application to provide nonsubsidized helicopter service has been pending before the Civil Aeronautics Board for several months. It is not my purpose to endorse the proposal of any company who has had previous experience in this field or that of the airlines.

It is my intent, however, to urge the CAB to take immediate and swift action to certificate a carrier to operate in the Washington metropolitan area. I also wish to commend the airlines for their general endorsement.

Ground congestion to the three area airports is a hydraheaded monster that grows bigger and bigger. This inconvenience to the traveling public must be eliminated.

Many of you in this Chamber were present last summer when members of the Commerce Committee's Transportation and Aeronautics Subcommittee staged a 1-day feasibility demonstration to show how helicopters could effectively and speedily transport travelers from Capitol Hill to area airports.

Helicopter service would sharply reduce in-transit time between the downtown and area airports. This is a fact that hardly needs reiteration. For instance, it takes only 11 minutes to go to Dulles or Friendship via helicopter.

I call upon my colleagues to voice their approval of certification of a carrier and to urge the CAB to conclude its hearings so that the operation of regularly scheduled helicopter service can commence as soon as possible.

SUPREME COURT DECISIONS

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, it has been my privilege to introduce many bills during my relatively short tenure in the House of Representatives, but none which surpasses in satisfaction the bill which I propose today.

Its principal proposer is not me, but a distinguished citizen of the 14th Illinois District, which I represent. I announced a contest in early spring. The title was "There Ought To Be a Law," I asked my constituents to suggest ideas for laws which they believed to be in the public interest.

Inevitably, there were humorists. One of them suggested:

There ought to be a law against "There Ought to Be a Law" contests.

More than 2,500 of the entries, however, were serious and they expressed people's concern for good government. My staff culled out the best entries, reducing the contenders to about 25.

These were typed onto a mimeograph stencil and copies were made without identifying the contestants. The copies were distributed to the contest judges—all distinguished residents of the 14th District. Among them were three State Senators, two Federal judges, and nine college presidents. They graded the entries, each privately; and it then was only a matter of scoring to find a winner.

He is Carl Baldwin, an engineer who works for Electro-Motive Division of General Motors Corp.

His proposal was not new; there being three other similar suggestions already introduced in this Congress. I have chosen, however, to seek a different procedure from the others.

In essence, Mr. Baldwin proposed that, in overturning an act of Congress or of a State legislature, a two-thirds majority of the Supreme Court would be needed—in other words, six Justices, rather than only five, would be required to declare a law unconstitutional.

Others have introduced constitutional amendments to effect this change. After consulting with eminent legislative authority, however, I decided that the intention could be carried out by an act of Congress. The Constitution, as I am sure you know, is silent as to the size of the Court and its procedures—indeed, is silent on its power to find a law unconstitutional.

Mr. Speaker, for being the winner of this contest, Mr. Baldwin was awarded a prize. He and Mrs. Baldwin have come to Washington as my guests. They are in the gallery at this moment to be present for the introduction of his bill.

STEPS TO PEACE—THREATS TO PEACE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, in an address to the Nation and to the world, President Johnson yesterday outlined a series of basic principles which, if accepted, could lead the way to lasting accords in the many areas of conflict in the world.

In this address, delivered prior to the opening of the United Nations special General Assembly session, Mr. Johnson discussed the problems of Latin America, of Europe, of Southeast Asia and last, but not least, of the Middle East. He offered a realistic approach for the future.

In his speech President Johnson placed particular emphasis on conditions which would establish the basis for lasting peace in the Middle East. The points he enumerated were primarily directed to the combatants in the Middle East, to Israel and the Arabs. These suggestions emphasized that which we, Members of Congress serving on the Foreign Affairs Committee, have been endeavoring to achieve for the State of Israel since its creation.

I outline these conditions and emphasize the first: the condition that Israel has the right to live in peace, with proper respect for its rights as a sovereign nation. Once this condition is established, the other problems, no less important, can be adjusted. These are: The refugee problem, the arms problem, the water problem; the boundary problem: the free-passage international-waterway problem, and the troop-withdrawal problem.

Mr. Speaker, at this point I would like to insert the speech of President Johnson in the RECORD. It is my hope that the suggestions as outlined will be implemented.

REMARKS OF THE PRESIDENT AT THE FOREIGN POLICY CONFERENCE FOR EDUCATORS

Secretary Rusk, ladies and gentlemen, I welcome the chance to share with you this morning a few reflections of American foreign policy, as I have shared my thoughts in recent weeks with representatives of labor and business, and with other leaders of our society.

During the past weekend at Camp David—where I met and talked with America's good friend, Prime Minister Holt of Australia, I thought of the General Assembly debate on the Middle East that opens today in New York.

But I thought also of the events of the past year in other continents in the world. I thought of the future—both in the Middle East, and in other areas of American interest in the world and in places that concern all of us.

So this morning I want to give you my estimate of the prospects for peace, and the hopes for progress, in these various regions of the world.

I shall speak first of our own hemisphere, then of Europe, the Soviet Union, Africa and Asia, and lastly of the two areas that concern us most at this hour—Vietnam and the Middle East.

Let me begin with the Americas.

Last April I met with my fellow American Presidents in Punta del Este. It was an encouraging experience for me, as I believe it was for the other leaders of Latin America. For they made, there at Punta del Este, the historic decision to move toward the economic integration of Latin America.

In my judgment, their decision is as important as any that they have taken since they became independent more than a century and a half ago.

The men I met with know that the needs of their 220 million people require them to modernize their economies and expand their trade. I promised that I would ask our people to cooperate in those efforts, and in giving new force to our great common enterprise, which we take great pride in, the Alliance for Progress.

One meeting of chiefs of state, of course, cannot transform a continent. But where leaders are willing to face their problems candidly, and where they are ready to join in meeting them responsibly, there can be only hope for the future.

The nations of the developed world—and I am speaking now principally of the Atlantic Alliance and Japan—have in this past year, I think, made good progress in meeting their common problems and their common responsibilities.

I have met with a number of statesmen—Prime Minister Lester Pearson in Canada just a few days ago, and the leaders of Europe shortly before that. We discussed many of the issues that we face together.

We are consulting to good effect on how to limit the spread of nuclear weapons.

We have completed the Kennedy Round of tariff negotiations, in a healthy spirit of partnership, and we are examining together the vital question of monetary reform.

We have reorganized the integrated NATO defense, with its new headquarters in Belgium.

We have reached agreement on the crucial question of maintaining allied military strength in Germany.

Finally, we have worked together—although not yet with sufficient resources—to help the less developed countries deal with their problems of hunger and over population.

We have not, by any means, settled all the issues that face us, either among ourselves or with other nations. But there is less cause to lament what has not been done, than to take heart from what has been done.

You know of my personal interest in improving relations with the Western world and the nations of Eastern Europe.

I believe the patient course we are pursuing toward those nations is vital to the security of our nation.

Through cultural exchanges and civil air agreements.

Through consular and outer space treaties.

Through what we hope will soon become a treaty for the nonproliferation of nuclear weapons, and also, if they will join us, an agreement on anti-ballistic missiles.

We have tried to enlarge, and have made great progress in enlarging, the arena of common action with the Soviet Union.

Our purpose is to narrow our differences where they can be narrowed, and thus to help secure peace in the world for the future generations. It will be a long slow task, we realize. There will be setbacks and discouragement. But it is, we think, the only rational policy for them and for us.

In Africa, as in Asia, we have encouraged the nations of the region in their efforts to join in cooperative attacks on the problems that each of them faces: economic stagnation, poverty, hunger, disease, and ignorance. Under Secretary Nicholas Katzenbach just reported to me last week on his recent extended trip throughout Africa. He described to me the many problems and the many opportunities that exist in that continent.

Africa is moving rapidly from the colonial past toward freedom and dignity. She is in the long and difficult travail of building nations. Her proud people are determined to make a new Africa, according to their own lights.

They are now creating institutions for political and economic cooperation. They have set great tasks for themselves—whose accomplishments will require years of struggle and sacrifice.

We very much want that struggle to succeed, and we want to be responsive to the efforts that they are making on their own behalf.

I can give personal testimony to the new spirit that is abroad in Africa, from Under Secretary Katzenbach's report, and from Asia, from my own travels and experience there. In Asia my experience demonstrated to me a new spirit of confidence in that area of the world. Everywhere I traveled last autumn, from the conference in Manila to other countries of the region, I found the conviction that Asians can work with Asians to create better conditions of life in every country. Fear has now given way to hope in millions of hearts.

Asia's immense human problems remain, of course. Not all countries have moved ahead as rapidly as Thailand, Korea, and the Republic of China. But most of them are now on a promising track, and Japan is taking a welcome role in helping her fellow Asians toward much more rapid development.

A free Indonesia—the world's fifth largest nation, a land of more than 100 million people—is now struggling to rebuild, to reconstruct and reform its national life. This will require the understanding and the support of the entire international community.

We maintain our dialogue with the authorities in Peking, in preparation for the day when they will be ready to live at peace with the rest of the world.

I regret that this morning I cannot report any major progress toward peace in Vietnam.

I can promise you that we have tried every possible way to bring about either discussions between the opposing sides, or a practical de-escalation of the violence itself.

Thus far there has been no serious response from the other side.

We are ready—and we have long been ready—to engage in a mutual de-escalation of the fighting. But we cannot stop only half the war, nor can we abandon our commitment to the people of South Vietnam as long as the enemy attacks and fights on. And so long as North Vietnam attempts to seize South Vietnam by force, we must, and we will, block its efforts—so that the people of South Vietnam can determine their own future in peace.

We would very much like to see the day come—and come soon—when we can cooperate with all the nations of the region, including North Vietnam, in healing the wounds of a war that has continued, we think, for far too long. When the aggression ends, then that day will follow.

Now, finally, let me turn to the Middle East—and to the tumultuous events of the past months.

Those events have proved the wisdom of five great principles of peace in the region.

The first and greatest principle is that every nation in the area has a fundamental right to live, and to have this right respected by its neighbors.

For the people of the Middle East, the path to hope does not lie in threats to end the life of any nation. Such threats have become a burden to the peace, not only of that region but a burden to the peace of the entire world.

In the same way, no nation would be true

to the United Nations Charter, or to its own true interests, if it should permit military success to blind it to the fact that its neighbors have rights and its neighbors have interests of their own. Each nation, therefore, must accept the right of others to live.

This last month, I think, shows us another basic requirement for settlement. It is a human requirement: Justice for the refugees.

A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past, both sides have resisted the best efforts of outside mediators to restore the victims of conflict to their homes, or to find them other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all, and, certainly, primarily by those who are immediately concerned.

A third lesson from this last month is that maritime rights must be respected. Our Nation has long been committed to free maritime passage through international waterways, and we, along with other nations, were taking the necessary steps to implement this principle when hostilities exploded. If a single act of folly was more responsible for this explosion than any other, I think it was the arbitrary and dangerous announced decision that the Strait of Tiran would be closed. The right of innocent maritime passage must be preserved for all nations.

Fourth, this last conflict has demonstrated the danger of the Middle Eastern arms race of the last 12 years. Here the responsibility must rest not only on those in the area—but upon the larger states outside the area. We believe that scarce resources could be used much better for technical and economic development. We have always opposed this arms race, and our own military shipments to the area have consequently been severely limited.

Now the waste and futility of the arms race must be apparent to all the people of the world. And now there is another moment of choice. The United States of America, for its part, will use every resource of diplomacy, and every counsel of reason and prudence, to try to find a better course.

As a beginning, I should like to propose that the United Nations immediately call upon all of its members to report all shipments of all military arms into this area, and to keep those shipments on file for all the peoples of the world to observe.

Fifth, the crisis underlines the importance of respect for political independence and territorial integrity of all the states of the area. We reaffirmed that principle at the height of this crisis. We reaffirm it again today on behalf of all. This principle can be effective in the Middle East only on the basis of peace between the parties. The nations of the region have had only fragile and violated truce lines for 20 years. What they now need are recognized boundaries and other arrangements that will give them security against terror, destruction and war. Further, there just must be adequate recognition of the special interest of three great religions in the holy places of Jerusalem.

These five principles are not new, but we do think they are fundamental. Taken together, they point the way from uncertain armistice to durable peace. We believe there must be progress toward all of them if there is to be progress toward any.

There are some who have urged, as a single, simple solution, an immediate return to the situation as it was on June 4. As our distinguished and able Ambassador, Mr. Arthur Goldberg, has already said, this is not a prescription for peace, but for renewed hostilities.

Certainly troops must be withdrawn, but there must also be recognized rights of national life—progress in solving the refugee problem—freedom of innocent maritime passage—limitation of the arms race—and respect for political independence and territorial integrity.

But who will make this peace where all others have failed for 20 years or more?

Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

But we must still ask, who can help them? Some say it should be the United Nations, some call for the use of other parties. We have been first in our support of effective peace-keeping in the United Nations, and we also recognize the great values to come from mediation.

We are ready this morning to see any method tried, and we believe that none should be excluded altogether. Perhaps all of them will be useful and all will be needed.

I issue an appeal to all to adopt no rigid view on these matters. I offer assurance to all that this Government of ours, the Government of the United States, will do its part for peace in every forum, at every level, at every hour.

Yet there is no escape from this fact: the main responsibility for the peace of the region depends upon its own peoples and its own leaders of that region. What will be truly decisive in the Middle East will be what is said and what is done by those who live in the Middle East.

They can seek another arms race, if they have not profited from the experience of this one, if they want to. But they will seek it at a terrible cost to their own people—and to their very long-neglected human needs. They can live on a diet of hate—though only at the cost of hatred in return. Or they can move toward peace with one another.

The world this morning is watching, watching for the peace of the world, because that is really what is at stake. It will look for patience and justice—it will look for humility—and moral courage. It will look for signs of movement from prejudice and the emotional chaos of conflict—to the gradual, slow shaping steps that lead to learning to live together and learning to help mold and shape peace in the area and in the world.

The Middle East is rich in history, rich in its people and in its resources. It has no need to live in permanent civil war. It has the power to build its own life, as one of the prosperous regions of the world in which we live.

If the nations of the Middle East will turn toward the works of peace, they can count with confidence upon the friendship, and the help, of all the people of the United States of America.

In a climate of peace, we here will do our full share to help with a solution for the refugees. We here will do our full share in support of regional cooperation. We here will do our share, and do more, to see that the peaceful promise of nuclear energy is applied to the critical problem of desalting water and helping to make the deserts bloom.

Our country is committed—and we here reiterate that commitment today—to a peace that is based on five principles.

First, the recognized right of national life;

Second, justice for the refugees;

Third, innocent maritime passage;

Fourth, limits on the wasteful and destructive arms race; and

Fifth, political independence and territorial integrity for all.

This is not a time for malice, but for magnanimity: not for propaganda, but for patience: not for vituperation, but for vision.

On the basis of peace, we offer our help to the people of the Middle East. That land, known to every one of us since childhood as the birthplace of great religions and learning, can flourish once again in our time. We here in the United States shall do all in our power to help make it so.

Thank you.

Mr. Speaker, in contrast to President Johnson's temperate and reasoned arguments, the speech of Premier Kosygin, delivered 1 hour later, was deeply disappointing, but only to those who do not understand communism, its ways and objectives. His address should awaken all people to the distortion of truth by all Communist leaders. Mr. Speaker, I request that at the close of these remarks the address of Premier Kosygin before the General Assembly of the United Nations in New York be inserted in the RECORD. I will not analyze his remarks. They are self-explanatory and cannot be misinterpreted. I believe he seeks a way out of the Soviet defeat in the Middle East. He wants the Soviet Union to be viewed in the eyes of the peoples of the world as a peace-keeping and peace-achieving nation.

[From the New York Times, June 20, 1967]

TEXT OF ADDRESS TO GENERAL ASSEMBLY BY MR. KOSYGIN

Mr. President, distinguished delegates, representatives from almost all states of the world have gathered for the emergency special session of the United Nations General Assembly to consider the grave and dangerous situation which has developed in recent days in the Middle East and which arouses deep concern everywhere.

True enough, no hostilities are being waged here at this moment. The fact that there has been a cease-fire is a certain success of the peace-loving forces. It also does considerable credit to the Security Council, though it failed to discharge fully its obligation under the United Nations Charter. The aggression is continuing. The armed forces of Israel occupy territories in the U.A.R., Syria and Jordan.

As long as the Israeli troops continue to occupy the seized territories, and urgent measures are not taken, to eliminate the consequences of the aggression, a military conflict can flare up any minute with a new intensity.

That is exactly why the Soviet Union took the initiative in convening an emergency session of the General Assembly. We are gratified to note that many states supported our proposal. Thus they displayed their awareness of the dangers with which the situation is fraught and manifested their concern for the consolidation of peace.

OBLIGATION IS SHARED

The General Assembly is confronted with a responsible task of adopting decisions that would clear the way toward the restoration of peace in the Middle East. This task concerns all states irrespective of differences in social or political systems, philosophical concepts, irrespective of geography and alignment with this or that grouping. It can be solved only if the multiple and complex nature of today's world does not push into the background the common objectives that join states and peoples together, and above all, the need to prevent a military disaster.

What question is now uppermost in the minds of all peoples? We believe that all the participants in the General Assembly will agree that all nations are concerned above all about the problem of how to avoid this disaster.

No nation wants war. Nowadays nobody doubts that if a new world war starts it would inevitably be a nuclear one. Its consequences would be fatal for many countries and peoples of the world. The more far-sighted statesmen from various countries, outstanding thinkers and scientists warned of this

from the first day nuclear weapons came into existence.

The nuclear age has created a new reality in questions of war and peace. It has vested in the states a far greater responsibility in all that pertains to these problems. This cannot be called in question by any politician, any military man, unless he has lost the capacity for sensible thinking—all the more so in that military men can imagine the aftermath of a nuclear war better than anyone else.

"NO STONE UNTURNED"

However, the practice of international relations abounds in facts which show that certain states take quite a different approach. Continuous attempts are undertaken to interfere in the internal affairs of independent countries and peoples, to impose on them from outside political concepts and alien views on social order.

No stone is left unturned to breathe a new life into military blocs. The network of military bases, those strong-points of aggression flung far and wide all over the world, is being refurbished and perfected. Naval fleets are plying the sea thousands of miles from their own shores and threaten the security of states in entire areas.

Even in those cases when the aggravation of tension or the emergence of hotbeds of war-danger is connected with conflicts involving relatively small states, not infrequently it is the big powers that are behind them. This applies not only to the Middle East, where aggression has been committed by Israel backed by bigger imperialist powers but also to other areas of the world.

For nearly three years now the United States, having cast aside all camouflage, has been carrying out direct aggression against the Vietnamese people.

This war is waged so as to impose on the Vietnamese people an order to suit foreign imperialist circles. It will be no exaggeration to say that the world has branded with ignominy the perpetrators of this aggression.

There is a way to solve the Vietnamese problem, and it is a simple one: The United States must leave Vietnam, it must withdraw its forces. First and foremost it must immediately and unconditionally stop the bombing of the Democratic Republic of [North] Vietnam. No statements about readiness to find a peaceful solution of the Vietnamese question can sound convincing unless this is done.

Such statements by United States statesmen should not depart from what the United States actually does. It should be taken into account that the continuing war in Vietnam intensifies the risk of this military conflict overflowing the boundaries of this area, and is fraught with a terrible danger of escalating into a major military clash between the powers. This is precisely what the present course of the United States foreign policy is fraught with.

A hostile stance in regard to Socialist Cuba, the armed intervention in the Congo and the Dominican Republic, the attempts of armed suppression of peoples in the colonial territories striving for their independence—these are all links of the same chain, a manifestation of a far-from-peaceful policy of those who by their actions create and fan international tensions and precipitate international crises.

EUROPEAN ISSUES CITED

Let us turn to Europe—the continent where the fires of both the First and Second World Wars started. There the principal concern of the Soviet Union and of our friends and allies and many other states has been, throughout the postwar period—and still is—to prevent a new world war, to curb the forces that would like to take revenge for the defeat in World War II.

The forces that would like to follow in the footsteps of Hitlerites have long since clearly emerged in the process of the struggle for peace in Europe. These forces are rooted in West Germany. It is there that a refusal to put up with the results of the war is openly voiced throughout the postwar years a demand to revise the European borders established after the war is put forward, and access to weapons of mass destruction is eagerly sought after. These forces have aligned themselves, to the danger of the peoples, with non-European aggressive forces.

The militarists and revenge-seekers in the Federal Republic of Germany should know that any attempt to translate their harebrained plans into reality would entail grave disasters for the peoples, and above all it carries a deadly menace for West Germany itself.

The Soviet Union is firmly in favor of peace in Europe, and bases its European policy upon respect for the boundaries established after the war, including those between the two sovereign German states—the German Democratic Republic and the Federal Republic of Germany.

This is a far-from-exhaustive list of events that enfever international life and sometimes lead to great tension and the appearance of hotbeds of war.

PAST CLASHES RECALLED

If the events in the Middle East are analyzed, the conclusion will unfailingly be made that the war between Israel and the Arab states, too, did not result from some kind of misunderstanding or inadequate understanding of one another by the sides.

Nor is this just a local conflict. The events that took place recently in the Middle East in connection with the armed conflict between Israel and the Arab states should be considered precisely in the context of the general international situation.

I would not like to go into details, but basic facts have to be mentioned in order to give a correct asessment of what has happened.

What were the main features in relations between Israel and the Arab countries during the past year? These were the continuously increasing tension and the mounting scale of attacks by Israeli troops against one or another of its neighbors.

On Nov. 25, 1966, the Security Council censured the Government of Israel for a carefully planned "large-scale military action" against Jordan in violation of the United Nations Charter, and warned that if such actions were repeated the Security Council would have to consider "further and more effective steps as envisaged in the Charter."

Israel, however, did not wish to draw a lesson.

Last April 7, Israeli troops staged an attack against the territory of the Syrian Arab Republic. This was a large-scale military operation involving planes, tanks and artillery. Following this, Israel provoked new military incidents on its border with Jordan.

TROOP BUILD-UP CHARGED

Once again Israel was warned by a number of states about responsibility for the consequences of the policy it pursued. But even after that the Israeli Government did not reconsider its course. Its political leaders openly threatened wider military actions against Arab countries. The Premier of Israel made it clear that the armed attack on Syria in April was not the last step, and that Israel was itself going to choose the method and time for new actions of this kind.

On May 9, 1967, the Israeli Parliament authorized the Government of Israel to carry out military operations against Syria. Israeli troops began concentrating at the Syrian borders, and mobilization was carried out in the country.

In those days, the Soviet Government, and I believe others too, began receiving information to the effect that the Israeli Government had timed for the end of May a swift strike at Syria in order to crush it and then carry the fighting over into the territory of the United Arab Republic.

When the preparations for war entered the final stage the Government of Israel suddenly began to spread both confidentially and publicly profuse assurances of its peaceful intentions. It declared that it was not going to start hostilities and was not seeking a conflict with its neighbors.

UNPRECEDENTED PERFIDY

Literally a few hours before the attack on the Arab states the Defense Minister of Israel swore his Government was seeking peaceful solutions. "Let diplomacy work," the Minister was saying at the very moment when the Israeli pilots had already received orders to bomb the cities in the United Arab Republic, Syria and Jordan.

An unprecedented perfidy, indeed!

On June 5, Israel started war against the United Arab Republic, Syria and Jordan. The Government of Israel flouted the Charter of the United Nations, the standards of international law, and thus showed that all its peaceful declarations were false through and through.

What followed is well known.

Here, within the United Nations, I will only recall the arrogance with which the unbridled aggressor ignored the demands of the Security Council for an immediate ceasefire.

COUNCIL EVENTS TRACED

On June 6 the Security Council proposed an end to all hostilities as a first step toward the restoration of peace. Israel widened the operations on the fronts.

On June 7 the Security Council fixed a time limit for the stopping of all hostilities. Israeli troops continued their offensive, and Israeli aircraft bombed peaceful Arab towns and villages.

On June 9 the Security Council issued a new, categorical demand prescribing a ceasefire. It was also ignored by Israel. The Israeli Army mounted an attack against the defensive lines of Syria with the purpose of breaking through to the capital of that state, Damascus.

The Security Council had to adopt yet another, and its fourth, decision, a number of states had to sever diplomatic relations with Israel and to give a firm warning about the use of sanctions before Israeli troops stopped military actions. In fact, the greater part of the territory of Arab countries now actually occupied by Israel was seized after the Security Council took a decision on an immediate cessation of hostilities.

The facts irrefutably prove that Israel bears responsibility for unleashing the war, and for its victims and for its consequences.

But if anybody needs additional proof that it was Israel who unleashed the war in the Middle East, that it is actually an aggressor, that proof was furnished by Israel itself. It is impossible to interpret in any other way the refusal of the Israeli Government to support the proposal of the Soviet Union to convene an emergency special session of the United Nations General Assembly. If the Government of Israel did not feel its guilt before the peoples of the world, it would not have been so afraid of our discussion and those decisions which this General Assembly must take.

Israel has no arguments that would justify its aggression. Its attempts to justify itself, just as the attempts of its advocates to whitewash the policy and actions of Israel which are based on the assertions that the attack on the Arab states was a forced action on the part of Israel, that the other side left no alternative, are a deception.

If Israel had any claims against its neighbors, it should have come here to the United Nations and here searched for a settlement, by peaceful means, as is prescribed by the U.N. Charter. After all, Israel claims to be

entitled to the rights and privileges offered by the membership in the United Nations. But rights cannot exist in isolation from duties.

More and more reports are coming of atrocities and violence committed by the Israeli invaders on the territories they have seized. What is going on in the Sinai Peninsula and in the Gaza Strip, in the western part of Jordan and on the Syrian soil occupied by the Israeli troops, brings to the mind the heinous crimes perpetrated by the Fascists during World War II. The indigenous Arab population is being evicted from Gaza, Jerusalem and other areas. In the same way as Hitler's Germany used to appoint Gauleiters in the occupied regions, the Israeli Government is establishing an occupation administration on the seized territories and appointing its military governors there.

NO PLACE FOR ZIGZAGS

Israeli troops are burning villages and destroying hospitals and schools. The civilian population is deprived of food and water and of all means of subsistence. There have been facts of prisoners of war and even women and children being shot and of ambulances carrying the wounded being burned.

The United Nations cannot overlook these crimes. The Security Council has already addressed itself to the Government of Israel with a demand to insure the safety, well being and security of the population in the occupied regions. The resolution is in itself an accusation of the aggressor. The United Nations must compel Israel to respect international laws. Those who mastermind and commit crimes on the occupied territories of the Arab countries must be severely called to account.

Faithful to the principle of rendering aid to the victim of aggression and supporting the peoples who fight for their independence and freedom, the Soviet Union has resolutely come out in defense of the Arab states. We warned the Government of Israel both before the aggression and during the war that if it had decided to take upon itself the responsibility for unleashing a military conflict, that Government would have to pay in full measure for the consequences of this step. We still firmly adhere to this position.

Where the question is one of war and peace, of protecting the rights of peoples, there must not be a place for political zigzags. It does, of course, happen that to solve this or that problem the states chart several possible routes. But in such matters as the one considered now by the emergency session of the General Assembly, there is no alternative to the resolute condemnation of the aggressor and those forces that stand behind him, no alternative to the elimination of the consequences of the aggression. There is no other way to bring about the cessation of the aggression and rein in those who might wish to embark on new adventures in the future.

One may ask, Why is the Soviet Union so resolutely opposing Israel? However, gentlemen, the Soviet Union is not against Israel—it is against the aggressive policy pursued by the ruling circles of that state.

In the course of its 50-year history, the Soviet Union has regarded all peoples, large or small, with respect. Every people enjoys the right to establish an independent national state of its own. This constitutes one of the fundamental principles of the policy of the Soviet Union. It is on this basis that we formulated our attitude to Israel as a state, when we voted in 1947 for the U.N. decision to create two independent states, a Jewish and an Arab one, in the territory of the former British colony of Palestine. Guided by this fundamental policy the Soviet Union was later to establish diplomatic relations with Israel.

A POLICY OF SEIZURE

While upholding the rights of peoples to self-determination, the Soviet Union just as resolutely condemns the attempts by any state to conduct an aggressive policy toward other countries, a policy of seizure of foreign lands and subjugation of the people living there.

But what is, in fact, the policy of the State of Israel?

Unfortunately, throughout most of Israel's history the ruling quarters in Israel conducted a policy of conquest and territorial expansion that cut into the lands of neighboring Arab states, evicting or even exterminating in the process the indigenous population of these areas.

This was the case in 1948–1949, when Israel forcibly seized a sizable portion of the territory of the Arab state, whose creation the U.N. decision had envisaged. About a million people found themselves evicted from their homeland and doomed to hunger, suffering and poverty. During all these years, deprived of a country and of means of subsistence, these people remained in the status of exiles. The acute problem of the Palestinian refugees, created by Israel's policy, remains unsolved to this day, constantly increasing tension in the region.

This was also the case in 1956, when Israel became a party to aggression against Egypt. Its forces invaded Egyptian territory along the same routes as today. At that time Israel also tried to retain the seized lands, but it was obliged to go back, beyond the armistice lines, under the powerful pressure exercised by the United Nations and the majority of its members.

The members of the United Nations are well aware that all through the years that followed, Israel committed aggressive acts either against the United Arab Republic or against Syria or Jordan. Never had the Security Council been convened so often as it was in those years to consider questions relating to conflicts between Israel and the Arab states.

As we have seen, the very recent aggressive war unleashed by Israel against the Arab countries is a direct continuation of the policy which the ruling extremist groups in Israel kept imposing on their state throughout the lifetime of its existence. It is this aggressive policy that is resolutely and consistently opposed by the Soviet Union together with other Socialist and all peace-loving states. The duty of the United Nations is to force Israel to obey the demands of the peoples.

If the United Nations failed in this, it would not fulfill its lofty function, for the purpose for which it was created, and the peoples' faith in this organization would be shaken.

SUPPORT FROM IMPERIALISM

It is only on the path of peace, on the path of renunciation of the aggressive policy toward neighboring states that Israel can assert itself among the countries of the world.

We would not have been consistent and fair in estimating Israel's policy if we did not declare with all certainty that in its actions Israel has enjoyed outside support from certain imperialist circles. Moreover, these powerful circles made statements and took practical actions which might have been interpreted by Israeli extremists solely as direct encouragement to commit acts of aggression.

For example, how else could one qualify the fact that on the eve of the Israeli agression a plan was urgently devised in the United States and United Kingdom (and this was widely reported in the press) of establishing an international naval force to bring pressure to bear upon the Arab states? How else could one qualify the military demonstrations by the American Sixth Fleet off the coast of the Arab states, and the build-up of the British Navy and Air Force in the Mediterranean and the Red Sea area, or the increase of modern arms and ammunition deliveries for the Israeli Army?

The incitement campaign against the Arab states and their leaders was promoted especially in the United States and West Germany. In the Federal Republic of Germany, in particular, it was announced that discriminatory financial measures against the Arab states had been introduced. Recruitment of so-called volunteers for Israel started in several West German cities.

DELAYING TACTIC SEEN

Incidentally, after the start of hostilities, when in the first hours of the armed clash the Soviet Union strongly condemned the Israeli aggressors and demanded universal condemnation of their perfidious acts, an immediate cease-fire and the withdrawal of troops beyond the armistice lines, the very same forces which could not be termed other than accomplices of aggression, did all they could to help Israel gain time and carry out new conquests and attain its designs. As a result, the Security Council found itself unable to take the decision which was prompted by the existing emergency. This is why the responsibility for the dangerous situation in the Middle East lies squarely not only with Israel, but also with those who backed it in these events.

At the present time extremist belligerent circles in Tel Aviv claim that their seizure of Arab territories engineered by them provides them (this they have the effrontery to assert) with grounds to present new demands to the Arab countries and peoples.

An unbridled anti-Arab propaganda campaign, played up by the press of certain Western countries, is being conducted in Israel: the force of arms is extolled, new threats against the neighboring countries are voiced, and it is declared that Israel will heed no decision, including that of the current session of the U.N. General Assembly, unless it meets its claims.

The aggressor is in a state of intoxication. The long-nurtured plans of recarving the map of the Middle East are now put forward. The Israeli leaders proclaim that Israel will not leave the Gaza Strip or the western banks of the River Jordan. They contend that Israel intends to maintain its control over the whole of Jerusalem, and assert that in case the Arab countries are reluctant in complying with Israeli demands the Israeli forces would simply remain in their present positions.

ATTITUDE OF THE WEST

What is the attitude of the United States and British Governments to the Israeli claims? Actually, they are promoting the aggressor here as well. In what other way can the aggressor interpret their position in the Security Council, which blocked the adoption of the proposal on an immediate withdrawal of Israeli troops behind the armistice lines?

The words in support of political independence and territorial integrity of the Middle East countries coming lavishly from the U.S. representatives could make sense only if those who uttered them would in no uncertain way reject the territorial claims of the aggressor and favor an immediate withdrawal of troops.

By putting forward a program of annexation, Israel seems to have completely lost a sense of reality, and has embarked on a very dangerous path.

Any attempt to consolidate the results of aggression is bound to fail. We are confident that the United Nations will reject attempts to impose on the Arab peoples a settlement that might jeopardize their legitimate interests and hurt their feelings of self-respect.

Territorial conquests, if they were recognized by various states, would only lead to new and perhaps larger conflicts. Consequently, peace and security in the Middle East would remain illusory. Such a situation cannot be permitted to arise, and one may rest assured that this is not going to happen. Attempts to consolidate the fruits of aggression will in the long run backfire against Israel and its people.

CONTINUED CHALLENGE

By occupying territories of the U.A.R., Jordan and Syria, Israel continues to challenge the United Nations and all peace-loving states. This is why the main task of this Assembly is to condemn the aggressor and take steps for an immediate withdrawal of Israeli troops beyond the armistice lines. In other words the task is to clear all territories of Arab countries occupied by the Israeli forces from the invaders.

The Israeli aggression has resulted in paralyzing the Suez Canal, an important waterway which has been transformed by the invaders into a battlefront line. The Soviet Union voices a categoric demand that the Israeli forces should be immediately removed from the shores of the Suez Canal and from all occupied Arab territories.

Only the withdrawal of Israeli forces from the seized territories may change the situation in favor of a détente and the creation of conditions for peace in the Middle East.

Is it not clear that unless this is done and the forces of the Israeli invaders are evicted from the territory of the Arab states, there can be no hope of settling other unsolved problems in the Middle East?

Those who unleashed war against the Arab states should not cherish hopes that they could derive some advantages from this. The United Nations, called upon to serve the cause of preserving peace and international security, must use all its influence and all its prestige in order to put an end to aggression.

In its demand to condemn aggression and withdraw troops from the seized territories of the U.A.R., Syria and Jordan, the Soviet Government proceeds from the need to maintain peace not only in the Middle East. It should not be forgotten that there are many regions in the world where there are bound to be those eager to seize foreign territories, where principles of territorial integrity and respect for the sovereignty of states are far from being honored. Unless Israel's claims receive a rebuff today, tomorrow a new aggressor, big or small, may attempt to overrun the lands of other peaceful countries.

The peoples of the world are closely watching to see whether the United Nations would be able to give a due rebuff to the aggressor and safeguard the interests of the peoples of one of the major world's regions, the Middle East. The present developments in this region give rise to anxiety on the part of many states from the point of view of their own security. And this is quite understandable.

If we here, in the United Nations, fail to take the necessary measures, even those states which are not parties to the conflict may draw the conclusion that they cannot expect protection from the United Nations.

THE COST OF ARMS

In order to enhance their security they may embark on the path of an arms build-up and increase their military budgets. This will mean that funds earmarked for the development of the national economy and the improvement of the living standard of the people would be channeled to an even greater extent to the arms race. Those who cherish peace cannot and must not allow events to take this course.

There is another important aspect of the aggression perpetrated by Israel. The point is that this aggression was aimed at toppling the existing regimes in the U.A.R., Syria and other Arab countries, which by their determined struggle for the consolidation of national independence and progress of the peoples evoke the hatred of the imperialists.

On the other hand, this is countered by solidarity and support on the part of the peoples which have embarked on the path of independent development. Therefore, to permit the actions of Israel against the Arab states to go unpunished would mean opposing the cause of national liberation of peoples and the interests of many states of Asia, Africa and Latin America.

The Soviet Union does not recognize the territorial seizures of Israel. True to the ideals of peace, freedom and independence of the peoples, the Soviet Union will undertake all measures within its power both in the United Nations and outside this organization in order to achieve the elimination of the consequences of aggression and promote the establishment of a lasting peace in the region. This is our firm and principled course. This is our joint course together with other Socialist countries.

BLOC PARLEY RECALLED

On June 9, the leaders of Communist and Workers parties and Governments of seven Socialist countries declared their full and complete solidarity with the just struggle of the states of the Arab East. Unless the Government of Israel ceases its aggression and withdraws its troops beyond the armistice lines, the Socialist states "would do everything necessary in order to aid the people of the Arab countries to deal a firm rebuff to the aggressor, to safeguard their legitimate rights, to quench the hotbed of war in the Middle East and to restore peace in that region."

No state, however far situated from the area of the aggression, can remain aloof from the problem which has been proposed for discussion by the present emergency session. The problem concerns war and peace. In the present tense international situation hours or minutes can settle the fate of the world. Unless the dangerous developments in the Middle East, Southeast Asia or any other place where peace is being violated, are curbed, if conflicts are permitted to spread, the only possible outcome today or tomorrow would be a big war. And no single state would be able to remain on the sidelines.

No state or government, if it genuinely displays concern for peace and the prevention of a new war, can reason that if some event takes place far from its borders it can regard it with equanimity. Indeed, it cannot.

LOCAL WARS PERILOUS

A seemingly small event, or so-called "local wars," may grow into big military conflicts. This means that every state and government should not only refrain from bringing about new complications by its actions—it must undertake every effort to prevent any aggravation of the situation and, moreover, the emergence of hotbeds of war, that should be quenched whenever they appear. This should be stressed especially in connection with the recent events in the Middle East, which have greatly complicated the already complex and dangerous international situation.

The Arab states, which fell victims to aggression, are entitled to expect that their sovereignty, territorial integrity, legitimate rights and interests that had been violated by an armed attack, will be reconstituted in full and without delay. We repeat that this means, first of all, the withdrawal of Israeli forces from the occupied territories. This is the crucial question today, without which there can be no détente in the Middle East.

Elimination of the consequences of aggression also means restituting the material damage inflicted by the aggressor upon those whom it attacked and whose lands it occupied. The actions of the Israeli forces and the Israeli aircraft have resulted in the destruction of homes, industrial projects, roads and transportation in the U.A.R., Syria and Jordan. Israel is in duty bound to reimburse the full costs of all it has destroyed and to return all captured property. It is in duty bound to do this within the shortest possible time.

Can this session measure up to this task and can it attain it? Yes, it can. The General Assembly should pronounce itself authoritatively in favor of justice and peace.

The Soviet Union and its delegation are ready to work together with other countries, whose representatives have assembled in this hall. They are ready to work together with all other states and delegations in order to attain this aim.

Much depends on the effort of the big powers. It would be good if their delegations as well found common language in order to reach decisions meeting the interests of peace in the Middle East and the interests of universal peace.

RESOLUTION IS OFFERED

Guided by the lofty principles of the United Nations Charter and the desire to eliminate the consequences of aggression and restore justice as quickly as possible, the Soviet Government submits the following draft resolution to the General Assembly:

"THE GENERAL ASSEMBLY,

"Stating that Israel, by grossly violating the United Nations Charter and the universally accepted principles of international law, has committed a premeditated and previously prepared aggression against the United Arab Republic, Syria and Jordan, and has occupied a part of their territory and inflicted great material damage upon them,

"Noting that in contravention of the resolutions of the Security Council on the immediate cessation of all hostilities and a cease-fire of June 6, June 7 and June 9, 1967, Israel continued to conduct offensive military operations against the aforesaid states and expanded its territorial seizures,

"Noting further that although at the present time hostilities have ceased, Israel continues the occupation of the territory of the U.A.R., Syria and Jordan, thus failing to cease the aggression and challenging the United Nations and all peace-loving states,

"Regarding as inadmissible and illegitimate the presenting by Israel of territorial claims to the Arab states, which prevents the restoration of peace in the area.

"1. Resolutely condemns the aggressive actions of Israel and the continuing occupation by Israel of a part of the territory of the U.A.R., Syria and Jordan, which constitutes an act of aggression;

"2. Demands that Israel immediately and without any condition withdraw all its forces from the territory of those states to positions beyond the armistice demarcation lines, as stipulated in the general armistice agreements, and should respect the status of the demilitarized zones, as prescribed in those armistice agreements;

"3. Also demands that Israel should restitute in full and within the shortest possible period of time all the damage inflicted by its aggression upon the U.A.R., Syria and Jordan, and their nationals, and should return to them all seized property and other material assets;

"4. Appeals to the Security Council to undertake on its part immediate effective measures in order to eliminate all consequences of the aggression committed by Israel."

The Government of the Soviet Union expresses the hope that the General Assembly will take an effective decision which would insure the inviolability of the sovereignty and territoral integrity of the Arab states, the restoration and the consolidation of peace and security in the Middle East.

The covening of the General Assembly emergency session is a fact of great international significance. If it were to happen that the General Assembly should find itself incapable of reaching a decision in the interests of peace, it would deal a heavy blow to the expectations of mankind regarding the possibility of settling major international problems by peaceful means, by diplomatic contacts and negotiations. No state that genuinely cares for the future of its people can fail to take this into consideration.

The peoples should rest assured that the United Nations is capable of achieving the aims proclaimed by its Charter, the aims of safeguarding peace on earth.

JARMAN ANNOUNCES HEARINGS INTO TV-RADIATION PROBLEM

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, during the past several months there have arisen questions concerning the matter of X-radiation in connection with color television.

The answers that our Government experts in the field have given to these questions leave a great deal to be desired and only point out the need for a thorough look into the problem.

For that reason I joined with my colleagues on the House Interstate and foreign Commerce Committee, Hon. PAUL ROGERS of Florida, in sponsoring H.R. 10790, the Radiation Control for Health and Safety Act of 1967.

We have both discussed this matter with the chairman of the Interstate and Foreign Commerce Committee, Hon. HARLEY STAGGERS of West Virginia.

As chairman of the Subcommittee on Public Health, I am now pleased to announce that there will be hearings held to study the problem of X-radiation in connection with electronic devices that have the potential of emitting radiation.

I feel that the viewing public has the right to be guaranteed that there will be no danger involved in television. And I feel that through these hearings we can establish just what action is needed to give this guarantee.

I anticipate that we should start the hearings in the last part of July or the early part of August.

ROGERS COMMENDS HEARINGS ON TV-RADIATION PROBLEM

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I would like to commend the distinguished gentleman from Oklahoma for his effective action in calling hearings into the problem of X-radiation in connection with electronic devices which have the potential to emit radiation.

As a cosponsor of H.R. 10790, the Radiation Control for Health and Safety Act of 1967, I, too, feel that the American public should have every protection that can be provided.

The public needs to be assured that all necessary action needed to establish the proper level of radiation will be taken. I feel that the Public Health Service has been in error in not establishing these standards earlier considering the millions of people who come in contact with potential sources of radiation every day.

I also commend our distinguished Chairman of the House Interstate and Foreign Commerce Committee, the Honorable HARLEY O. STAGGERS, of West Virginia, for assuring that these hearings will be held.

CIVIL DISOBEDIENCE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, our Nation today walks the razor's edge of danger. And the ominous specter which overshadows our land is an enemy within the house of our country. They advocate revolution and they are effectuating it by riot, the latest chapter of which was written in Atlanta, Ga., last night. Teddy Roosevelt, in 1904, said:

> No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it.

America 1967 should reaffirm and brand these words into its soul.

Mr. Speaker, Negro Americans cannot afford special treatment. Consider the proudest and noblest Americans of them all, the American Indian; a living example of inequities followed by special treatment. This example illustrates what special treatment does to a man or to a people. Such treatment is an inequity to the people affected and rather than atoning for past inequities, amplifies them.

My grandfather, Mr. M. H. Brinkley, of Faceville, Ga., taught his children that the answer to many problems could be found in the Book of Proverbs, and last night I looked there and found these words:

> As snow in summer, and as rain in harvest, so honor is not seemly for a fool. As the bird by wandering, as the swallow by flying, so the curse causeless shall not come. A whip for the horse, a bridle for the ass, and a rod for the fool's back. Proverbs 25:1–3

Mr. Speaker, our Nation cannot tolerate insurrection led by Stokely Carmichael, or anyone else, cannot afford to defer to him, cannot afford to honor him with preferential treatment.

In behalf of the people of the Third District of Georgia, as Representative of the Third District of Georgia, I have communicated with the Attorney General of the United States, as follows, believing that the latest episode of civil disobedience leaves no doubt as to the evidence against Stokely Carmichael, and leaves no doubt as to the legal remedy:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. June 20, 1967.

Hon. RAMSEY CLARK,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The "long, hot summer" as an excuse for violence is once again upon us. My concern has intensified from that of urgency to downright alarm.

Stokely Carmichael is touring the South preaching insurrection and rebellion as witness the shocking incidents in Prattville, Alabama last week and in Atlanta, Georgia, yesterday.

Carmichael has made it abundantly clear that he holds in complete contempt the laws of the United States and of the several states and believes that the Negroes must rebel and seize control of this country.

Federal law prescribes:

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States." (18 U.S.C. 2383)

It appears to me that a strong case can be made against Carmichael under this Statute. I call upon you in your capacity as Chief Legal Officer of the United States to investigate Carmichael's activities carefully and quickly and to initiate appropriate action under this or other Statutes.

Assuring you of my cooperation, I am,
Cordially yours,

JACK BRINKLEY,
Member of Congress.

DESECRATION OF THE AMERICAN FLAG

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. REINECKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. REINECKE. Mr. Speaker, today we have been considering a very important and very necessary piece of legislation, a bill to prohibit the desecration of the American flag. I am pleased to have authored legislation similar to the one considered by the House today.

I would like to call to the attention of the House a resolution by the Los Angeles County Council of the American Legion, supporting this legislation:

RESOLUTION

Subject: Desecration of the American Flag.

Whereas: It has been called to our attention that there have been various American Flag burning incidents; and

Whereas: We have learned that there is presently pending in Congress certain Bills for the purpose of meting out punishment to those who would desecrate our Flag;

Now, therefore, be it resolved: That the Los Angeles County Council of The American Legion, in regular meeting assembled, this 2nd day of June, 1967, goes on record as favoring the passage of such laws and favoring the imposition of appropriate penalties on all those guilty of desecrating or burning the American Flag; and

Be it further resolved: That this resolution be amended to provide that copies of this Resolution be sent to both California Senators and to the Congressmen from the State of California.

This is to certify that the foregoing resolution was unanimously adopted by the Los Angeles County Council of The American Legion, in regular meeting assembled, the 2nd day of June, 1967.

WILLIAM COULSON,
Adjutant.

TEACHERS CORPS PROGRAM DESERVES CONTINUATION AND EXPANSION

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House

for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Higher Education Act, which includes extension of the National Teachers Corps for 3 years, may be scheduled for House action early next week. I urge passage by both the House and the other body.

If this legislation is enacted before June 30, $3.8 million in frozen Federal funds will become available for summer college training of special teachers for schools in slum areas.

Recently, Cleveland school superintendent Paul W. Briggs wrote me explaining the success of the Teachers Corps program in my home city. Also the Cleveland Plain Dealer newspaper has printed an excellent editorial in support of the Teachers Corps. Under leave granted I submit the letter and editorial for consideration by my colleagues:

CLEVELAND PUBLIC SCHOOLS,
Cleveland, Ohio, June 16, 1967.

Congressman MICHAEL A. FEIGHAN,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: The Cleveland Public Schools are engaged in a National Teacher Corps project in cooperation with the University of Akron. This relationship was initiated in March, 1966, when the proposal for a Teacher Corps project was drafted jointly by the University and the school system. Four Teacher Corps teams, including fifteen interns and four master teachers, are assigned to junior high schools enrolling large percentages of disadvantaged youth. Their work has augmented in a very meaningful way the efforts of the regular faculties.

The principal beneficiaries, of course, are the children for whom the work of the Corpsmen is an extra dimension of support and motivation. The help which individual pupils have received has resulted in a noticeable academic improvement.

Corps members have also assisted greatly in establishing wholesome relationships with parents and other residents of their school communities.

The National Teacher Corps represents an outstanding effort to improve school opportunity for disadvantaged children. It approaches the problem in an area of crucial significance—the need for more and better prepared teachers.

This program not only offers a special training opportunity to the corps members, but its involvement of other teachers provides enriching professional experiences for the total school staff.

As a new thrust in preparing teachers to serve disadvantaged children, the National Teacher Corps is one of the more promising developments in teacher education as well as in school-university collaboration.

Our estimate of the Teacher Corps is indicated by our willingness to have several of our ablest teachers serve as team leaders and by our commitment to continue participation in the project.

We encourage your support of legislation to continue and expand the National Teacher Corps Program.

Yours truly,

PAUL W. BRIGGS,
Superintendent.

[From the Cleveland Plain Dealer, June 1, 1967]

EXPAND THE TEACHER CORPS

Congressional failure to extend the National Teacher Corps would have as its principal victims the disadvantaged children of the country.

Even many opponents of the Great Society agree that this program designed to improve the quality of instruction in poverty areas has been strikingly successful.

Fate of the program whose authorization expires June 30 is now in the hands of a House subcommittee regarded as hostile to the corps idea.

Prospects are that the program will survive in curtailed form when, based on merit, it actually should be expanded.

The corps has 1,213 members at work in 275 schools across the country. About a dozen are assigned in Cleveland.

The program offers incentives and special training to teachers who have the talent and the compulsion to work with children in the poorer neighborhoods.

Included are 945 teacher-interns in elementary or secondary schools who are working for masters' degrees in nearby universities.

The corps was devised as one way of offsetting the pattern in which schools in more affluent neighborhoods have been luring the better teachers with higher pay and less trying conditions.

Delay on the legislation reportedly has already damaged the corps' summer recruitment and training program.

A major factor in unrest in impoverished areas has been a disparity in educational standards. In the one year of its existence, the teacher corps has shown an exceptional capacity to improve standards in the poverty schools.

Education is the answer to so many of the slum problems that Congress would be shortsighted indeed to curtail or scrap the teacher corps. It deserves to be expanded.

MASS TRANSPORTATION ACT

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. WIDNALL. Mr. Speaker, because of the inquiries I have had with regard to my bill, H.R. 10443, which I introduced to amend the Mass Transportation Act of 1964, I thought it would be appropriate at this time to insert some comments regarding this legislation into the RECORD. The bill follows basically the suggestion offered in testimony by the League of Cities this spring before the House Special Subcommittee on Housing, of which I am the ranking minority Member. It provides that nonpublic sources may contribute up to 23⅓ percent of the total cost of a project, the other 10 percent coming from some non-Federal but public source.

The law, at present, provides for Federal assistance for capital expenditures on a two-third–one-third matching basis with regional, State, county, or local public bodies involved in the provision or improvement of mass transit facilities, including bus, rail, and rapid transit. Where no comprehensive transportation planning has been completed, a 50–50 matching grant is utilized for emergency situations. Although private transportation companies can benefit from the results of the grant, such as by leasing commuter cars bought by State and local transportation agencies or by utilizing newly created parking areas, the private company cannot contribute to the local share. This places the entire burden on the community, and it is this which my bill seeks to change.

The result of the 1964 act is that many small communities and cities without public transportation systems, and without the funds to draw upon, cannot assist their local transit companies, usually bus companies, to benefit from the act. The private companies are, however, unable to provide all of the necessary money for new equipment, et cetera, themselves, but could contribute part of the money necessary to cover these costs. My bill would allow the private companies to contribute.

I have included some local cash involvement in my amendment, to avoid any overt pressure on the private companies by communities, and to cut down on the possible flooding of HUD with applications on behalf of private companies by communities who would have nothing to lose by making such applications. The specific percentage to be provided is negotiable, and some exceptions may have to be devised for regional transportation authorities overseeing private systems.

I believe this approach will assist many of the small communities and cities throughout the country, who presently find themselves unable to keep pace with the necessary improvements in their bus, rail, and rapid transit systems.

MATTERS AFFECTING THE ENTIRE NATION

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. ANDREWS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, the newsletter I am mailing today to the people of eastern North Dakota touches on a number of important subjects, including the national debt, activities of the Appropriations Committee, the extension of the Selective Service Act and, of course, the crisis in the Middle East. Since these are matters affecting the entire Nation, under unanimous consent, I place it in the CONGRESSIONAL RECORD at this point:

The house shocked the administration early this month by refusing its request to increase the national debt limit to $365 billion—an increase of $29 billion. Those who continually insist that these added funds are needed because of the situation in Viet Nam totally ignore the fact that while defense expenditures are up 67% since 1960, non-defense spending has increased 104%. The national debt, meanwhile, has risen $41 billion. It's easy to make an Administration look good if you are willing to forget the people, now and for generations to come, who are going to have to pay the bills. Meanwhile, inflation and the accompanying devaluation of savings and fixed incomes, interest rates forced continually higher by government competition for the funds available to borrowers and a legacy of huge, unpaid bills must all be included in the too high price of fiscal irresponsibility.

In the Appropriations Committee we have responded to this situation by trimming

more than $3 billion off Administration requests in the 11 appropriations bills passed so far. Nevertheless, some observers are predicting the budget deficit for fiscal 1968 will be three times larger than the President predicted last January. Future action in our Committee on the 5 remaining appropriations bill awaits further action on authorization bills by other Committees of the Congress.

The Selective Service Act has now been extended for another four years, leaving the bulk of the responsibility where it belongs: with the local draft boards. During debate on the bill, I pointed out that "only on the local level can the real merits of deferments and classifications be determined fairly and responsibly". We were able to head off a concerted effort to centralize authority with most of the decisions to be made at regional or Washington headquarters. A special "thank you" goes to all North Dakota Selective Service Board Members who responded to my request for views on this most important situation. Their personal comments and statements were a great help to those of us who are interested in maintaining a responsive, locally controlled Selective Service System. I shall continue to urge improvements particularly aimed at increasing voluntary enlistments to the highest level possible, thereby reducing draft calls to the lowest levels possible.

The crisis in the Middle East is far from over. While Israel convincingly crushed the Arabs militarily, the problems that have caused the tensions resulting in 3 wars in the last 20 years still exist. Elements essential to a final settlement must include Arab recognition of the permanence of Israel, the opening of the Suez Canal and the Gulf of Aqaba to commerce of all nations and realistic guarantees of the territorial integrity of all Middle Eastern states. Hopefully, the Administration will not settle for quick half-solutions which satisfy nobody and plant the seeds of future violence. While the very critical and long-standing differences of opinion could make the Middle East ignite at any moment, the situation provides the U.N. an opportunity to prove its worth and value as a world peace-keeping organization. It may, of course, be months before we can really feel the crisis is resolved.

A SHOCKING EPISODE—A FEDERAL LAW WOULD END THIS

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. MYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. MYERS. Mr. Speaker, today marks the passage of historic legislation designed to protect the American flag from deliberate and public acts of desecration.

My friend and colleague from Indiana, Representative RICHARD L. ROUDEBUSH, of Noblesville, deserves great plaudits for his work on this bill.

Nearly a year and one-half ago, Congressman ROUDEBUSH brought the matter of flag desecration before the U.S. House of Representatives after a shocking incident in our State of Indiana which involved a campus flag desecration episode at Purdue University.

Congressman ROUDEBUSH promptly introduced corrective legislation and has labored diligently since early 1966 to obtain passage of this much-needed legislation.

From his one-man battle which started 18 months ago, Congressman ROUDEBUSH has waged his fight so successfully that he now has nearly unanimous support in the Congress for his proposal.

A recent article in the June issue of the Veterans of Foreign Wars magazine vividly portrays the successful campaign waged by Congressman ROUDEBUSH to obtain flag protection legislation.

The entire Congress today salutes Congressman ROUDEBUSH for a job well done, and brings the following article to the attention of the Nation:

A SHOCKING EPISODE: A FEDERAL LAW WOULD END THIS!

(By Representative RICHARD L. ROUDEBUSH (Indiana) Past Commander-in-Chief)

Within the past year or so there have been a shocking number of incidents around the nation involving public desecration of the American Flag.

With considerable regularity we read of a Flag being burned in an anti-Vietnam War demonstration; a Flag being used as a subject of obscene "art" and reports of trampling, ripping and other forms of mutilation.

To former members of the armed services and the vast majority of loyal Americans, such acts would be unthinkable. However, for those who loathe our form of government and seek to destroy it, such dramatic acts are the most headline-catching they can devise.

During the past 18 months, reports of public Flag desecrations have been received from Pennsylvania, Illinois, Indiana, New York, California, Louisiana, Georgia and other locales.

One of the amazing facts about such demonstrations is that there is no overall national statute against them and no criminal penalty on the federal law books for Flag desecration.

After the particularly vicious incident at Purdue University, West Lafayette, Ind. more than a year ago, we looked into the criminal aspect of such despicable displays and found that in many states, Flag desecration involved only a local misdemeanor charge with a light fine or sentence.

In the Purdue incident in which a leftist agitator from Chicago came to the campus at the invitation of a left-wing campus organization, the offender could not be prosecuted because he had returned to Chicago and could not be extradited on a mere misdemeanor charge.

This caused much agitation because the Chicago man had unfurled an American Flag, ripped it apart, spat upon it and then thrown it upon the stage and stamped on it.

We promptly introduced legislation into the 89th Congress making Flag desecration a federal offense punishable by imprisonment of not more than one year and a fine of not more than $1,000.

Passage of this legislation would give our law enforcement officials throughout the nation a basic and uniform statute to use in these incidents.

The bill was assigned to the House Judiciary Committee and despite our repeated pleadings for hearings, was bottled up by Congressman Emanuel Celler of New York, Chairman of the Judiciary Committee.

Congressman Celler assigned the bill to a subcommittee headed by Congressman Rogers of Colorado who also repeatedly ignored my verbal and written pleas for hearings.

By this time, the Veterans of Foreign Wars and other veterans and patriotic organizations who were strongly in favor of the bill were letting Congress know their sentiments.

None of these efforts, however, could move Congressman Rogers and, as a last-ditch effort, we introduced a discharge petition on the House floor whereby a majority of the House could force the bill to the floor for action.

This is a most difficult maneuver, particularly against an experienced and senior chairman such as Mr. Celler. Many members of Congress who might sympathize with the legislation simply do not wish to incur the wrath of a powerful committee chairman.

At the close of the 89th Congress last autumn, we had well over 150 names on the discharge petition but were still short of the needed majority.

When the 90th Congress reconvened in January we reintroduced the anti-flag desecration measure on the first day and it was assigned a number, H.R. 1207.

Late in April, Congressman Celler finally agreed to schedule hearings on the measure. At the time, Commander-in-Chief Leslie M. Fry publicly expressed his pleasure at the development but added: "I am disheartened at the reported remarks by Congressman Celler that he was 'reluctantly' sending the Flag legislation bills to Congressman Rogers' subcommittee. It is a disgrace to allow Communists, Communist-lovers and a pack of beatniks to deface, defile, burn and otherwise continue to desecrate our Flag."

But whatever the difficulties we faced earlier they have been surmounted and at last the ball is rolling. The hearings by Rep. Rogers have been completed and we hope that the Flag bill will be reported favorably to the House in the near future.

We once again plan to enlist the support and assistance of Veterans of Foreign Wars Posts and other patriotic organizations throughout the nation.

By writing and persuading your congressmen to support this needed legislation, you can help give our law agencies some real teeth with which to nip these anti-American acts in the bud before they become more widespread.

We feel confident that with unpatriotic incidents on the upswing, there is increasing sentiment in the nation and in the Congress for a federal crime bill against Flag desecration.

Our job now is to provide this protection to our Flag throughout the 50 states by passage of a strong federal anti-Flag desecration act.

REIMBURSEMENT TO CITY OF NEW YORK FOR EXTRAORDINARY EXPENSES INCURRED IN PROVIDING SECURITY FOR REPRESENTATIVES TO UNITED NATIONS

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, I have today introduced legislation to provide reimbursement to the City of New York for a portion of the costs incurred in providing security for delegates to the United Nations.

Presently, under an agreement, regarding the United Nations headquarters in Manhattan, between the United Nations and the United States, which was ratified by the Senate on August 4, 1947 (Public Law 357, 80th Congress, 1st Session; 22 U.S.C. 287), the security of the United Nations is to be provided for by "appropriate American authorities."

The agreement provides in section 25:

Wherever this Agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

Thus, "ultimate responsibility" lies with the Federal Government.

"Appropriate American authorities," as defined in the agreement, means the Federal, State, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the State and local government involved.

The agreement further provides at section 16:

(a) The appropriate American authorities shall exercise due diligence to insure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in the immediate vicinity, and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

In permitting a prosecution for disorderly conduct by picketing in front of the United Nations, the Police Department of the City of New York was held to be an appropriate American authority under the terms of the Agreement.[1] Consequently, the Police Department of the city of New York has assumed, and continues to assume, the responsibility of providing security for the United Nations. This task is performed with considerable expertise, and, as such, our country has been indebted to the city of New York for maintaining an atmosphere conducive to the negotiation of world problems.

Providing this security, however, has not been without its attendant cost. The city, from time to time, has been forced to incur extraordinary expenses for the maintenance of adequate security measures.

I am sure my colleagues recall the historic 15th General Assembly of the United Naitons, during which heads of state from many nations personally attended. New York, being the host city, was called upon to provide security for such controversial leaders as the then Soviet Premier Khrushchev, Cuban Prime Minister Castro, and others.

During that critical period, the State Department was in constant touch with the Police Department of the city of New York so that the latter would be promptly advised of the arrival of these important visitors in order to take the necessary steps for their protection. Many of the foreign leaders came on short notice, were not official guests of the U.S. Government, and had no planned itineraries or programs.

These dignitaries traveled between their residences and offices and throughout the city without prior notification to the police authorities. The city was faced with the frequently difficult assignment of handling, without adequate warning, demonstrations of various groups whose families and friends had suffered under the government of one or another of the visitors.

The total cost to the city of New York for special United Nations service that year was approximately $6.5 million. The entire New York City police force, 24,000 strong, was either directly or indirectly involved. Approximately 1 million manpower hours were expended and the entire police force was required to work 7 days a week for a period of 26 days. Inasmuch as the city did not provide in its budget for such extraordinary situations, it was necessary to borrow $3 million through the issuance of budget notes which had to be repaid.

Mr. Speaker, I believe it is unfair continually to ask the city of New York to make such sacrifices in its own financially hard pressed operations to insure the tranquillity of United Nations meetings and the security of their participants.

As this responsibility primarily rests with the Federal Government we are faced with a grossly unjust situation where a small percentage of the Nation, the people of New York City, bear the entire financial burden of a portion of the Nation's foreign policy activities.

Moreover, New York City probably suffers financial loss as a result of being the host city for the United Nations. Statistics reveal that the average estimated revenues from United Nations visitors is $500,000 per year. If we add to this estimated revenue from United Nations employees and delegates the total financial benefit to New York City from the United Nations is still small. On the other hand, the loss to New York City in real estate taxes amounts to $3,400,000 per year for the assessed value of the United Nations property, and of the homes and offices of the diplomats.[2]

The legislation I have introduced today would relieve the unjust burden placed on the New York City taxpayer by assuring that the Federal Government assumes its responsibility under section 25 of the aforementioned agreement.

One bill provides for an ex gratia payment of $3 million to New York City for the expenses involved in maintaining security for the sessions of the United Nations. I use the figure of $3 million based on the experience of the 1960 Khrushchev and Castro visits.[3]

My other bill provides for reimbursement to New York City for one-half the annual expenses incurred in providing police protection for United Nations activities.

The relief that these bills will provide for the city of New York is long overdue. With the important events involved in Premier Kosygin's visit to the United Nations it is patently unfair that New York City, as the host city to the United Nations, should be forced to shoulder the entire burden of security cost. These extraordinary costs should be borne by the Nation as a whole.

When Mayor Lindsay was the Representative from the 17th District of New York, he introduced H.R. 5209 in the 87th Congress and H.R. 1928 in the 88th Congress, to reimburse New York City for the expenses of the Khrushchev and Castro visits. It is only fair and just that we afford Mayor Lindsay and the city of New York the same benefit which the mayor sought to provide the then city administration, which, unfortunately, was never enacted into law.

I urge my colleagues to give their careful consideration to the two measures I have introduced today. The time has come to provide the financial aid necessary to eliminate the injustice inherent in requiring one segment of the taxpaying public, the people of New York City, to assume the entire Nation's responsibility.

[1] *People* v. *Carcel*, 2 Misc. 2d 827 150 NYS 2d 436 (Mag.Ct., N.Y.Co., 1956), reversed on other grounds 3 N.Y. 2d 327, 144 N.E. 2d 81 (1957).

[2] See report of director of the budget of the city of New York as contained in hearings of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, May 17, 1961, p. 25.

[3] See statement by director of the budget of the city of New York as contained in hearings of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, May 17, 1961, p. 8.

PARTNERS OF THE ALLIANCE

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, I have long been interested in the activities of the Partners of the Alliance, an effort to engage the private sector here in the United States ir the development goals of the Alliance for Progress. We in Massachusetts have undertaken a promising partnership with the Department of Antioquia, Colombia, and numberous other States and counties are engaged in similar efforts.

On June 12, Edward Marcus, president of the National Association of the Partners of the Alliance, made an interesting proposal to the American Advertising Federation which would bring home to millions here in the United States the vital importance of our relations with Latin America. I include the text of Mr. Marcus' address in the CONGRESSIONAL RECORD:

PRESENTATION TO AMERICAN ADVERTISING FEDERATION, HOUSTON, TEX., JUNE 12, 1967, BY EDWARD MARCUS, PRESIDENT OF THE NATIONAL ASSOCIATION OF THE PARTNERS OF THE ALLIANCE

Throughout my business career with Neiman-Marcus I have participated in the spending of some forty million dollars of promotional and advertising funds. While the quantity of our advertising has had periods of unevenness, I believe everyone gives us credit for being progressive and imaginative. We certainly attribute a real proportion of our growth and international awareness to our promotional program. I believe that few merchandising operations in the country give as much latitude and independent responsibility to the advertising heads as does Neiman-Marcus.

The unevenness of which I speak has something to do with the traditional peregrination of talented advertising people, the more important factor is the continuing requirement

that advertising changes to meet new markets, new products, new art forms, newly measured response studies and news media.

Over the years I have learned only one axiom about advertising. That is "advertising will not sell a bad product . . . it can only sell more of a good product." And this brings me quickly to that about which I am here to talk to you. We have a good product to sell.

Three years ago I had just returned from conducting a fashion show tour of Latin America as a cooperative promotional program with Braniff International. As I entered my office, the phone was ringing. Jim Boren was calling from Washington to ask that I participate in a meeting of Texans to form a completely private sector organization to be called the Texas-Peru Partners of the Alliance. I agreed and even suggested other participants. At the ensuing meeting I talked too much and was elected chairman.

I accepted on the condition that our scope could be broadened from the proposed self-help projects to include the fields of education, culture, medicine, agriculture and even private business investments. Further, I asked clearance for the members of the Partners to engage in private business themselves on the grounds that successful, profitable mutual business relationship could and should be a prime means of encouraging international understanding and friendship.

The Texas Partners have been reasonably successful. So have many of the thirty-one other states which have established partnerships with various areas of Latin America. Consequently, last September the various U.S. states formed a national association of which I was elected President.

The Board of Directors of Neiman-Marcus recognizing the long term values of this movement has agreed that I could direct fifty percent of my time to this job. At times it seems that they were thinking of that 50% being found on Saturday, Sundays and after six. As a matter of fact, I am sandwiching this meeting between sessions intended to put our Christmas Catalog to bed. Seriously, though, I am grateful to my Board for its understanding the importance of this work and allowing me this time.

As President of the National Association I regard it as my prime function to visit the various state organizations and their counterparts in Latin America to bring to them those ideas and methods that have worked best in our most successful states.

As independent groups of *private* citizens they are free to choose their own means of communicating and acting; nevertheless, we have found by experience certain fundamentals that we urge them to adopt. Among these are the involvement of top drawer professionals, businessmen, educators and doctors. Without adequate representation and participation of leading businessmen, the organizations simply do not move. Their leadership, influence and financial support is essential to the program's viability. We are currently occupied with and successfully reconstituting those organizations both in our states and in Latin America where businessmen have not assumed their proper role.

Mr. Boren has given a few examples of our work. I should like to add a few more:

Those of you who saw the Peruvian Gold Exhibit in Washington, Dallas, Cleveland and New York should know that the Texas Partners were largely responsible for the initiation of this showing. The Ballet Folklorico of Mexico created a favorable impact on Des Moines at the same time as Iowa-Yucatan Business and Investment Conference was taking place there. Oklahoma took a rodeo down to its Partner State in Mexico. Rodeos *are* a part of our culture.

The medical profession has helped make available hundreds of tons of surplus hospital equipment.

In one instance through the doctors' leadership, the Hospital Association located the surplus property, the Jaycees collected it, the Truckers' Association transported it to a seaport where a businessman donated warehouse facilities. The dockworkers loaded it free of charge, the Latin steamer carried it and it was finally brought to its ultimate destination in the Andes by a U.S.-Latin mining company—all without the expenditure of one dollar.

President Johnson has emphasized the need for additional push in the field of agriculture. On June 30 a Partners committee compounded of leaders from throughout the nation is meeting to formulate a rural action program.

The phase of our work which may be the most romantic and the most sales-worthy is that of the self-help projects. When a high school club of students studying Spanish accepts the challenge of founding a basic library in a village which has no facility for its youngsters or adults who are finding literacy for the first time, it is doing something more than donating $125—it is creating the first of countless numbers of ties between peoples. It begins a chain of understanding at both ends of the line. The villages in Latin America enjoy the books without any propaganda beyond the Alianza sticker which indicates its source. The student in the U.S. has fulfilled one of his first voluntary citizen responsibilities; he has found a personal identification with a part of the world hitherto unknown to him. He has made new friends and has found a practical use for his Spanish.

Possibly the project is for a Women's Club to furnish sewing machines to a girls' center or for a rural Lion's Club to furnish seed or wire or a used tractor to assist a far-off community to improve its agricultural lot.

In every case there is a mutual effort. This is not a hand-out program. The counterpart area, the Partner area, must do its part too—usually through some physical labor or material contribution prearranged as a part of the whole project.

All of these things about which I have been talking require an open, generous palm, a posture not new to North Americans. Now we come to the other hand, that of business. Here we find as we should a firm grip. Business is not business unless a profit is intended and achieved.

Either through exposure by travel or by exploration of our investment committees, we are in the process of encouraging the mutual investment of know-how and capital in new or expanding enterprises that spell progress for the Latin American community and profits for both the Latin and North America.

Ideally, most of these projects would be small or medium sized, filling needed gaps in both production of consumer products and jobs to help build a middle class. This may be in the export of crocodile skins, the building of a freezer plant, the preservation of vegetables, an automobile spare parts business, small assembly plant for agricultural machinery specialties.

Frequently, though, we find our efforts leading to larger establishments; tourist hotels, fish meal for human consumption, fertilizer plants. These and other ventures are in the formative stage as a result of Partners activities.

Some of our members are investors, some co-managers, some consultants. Our advice includes assistance in the techniques, in utilizing the loans and/or guarantees our government offers; or we guide potential investors to both Partners here and in Latin America.

American business is beginning to understand the value of the Partners of the Alliance. It likes the private sector aspect which pervades its philosophy. To this end, representative companies are specifically committing themselves to the necessary financial support of the program that we are asking you as a profession and an industry to help us expand.

Several companies including Pan American and Braniff, have already indicated their interest in providing the wherewithal to implement a plan which will increase hemisphere awareness of the Partners of the Alliance. Beyond the dollars themselves, which are certainly essential, the significance of their recognition is gratifying.

Your organization, the American Advertising Federation which embraces all facets of the advertising industry, represents a most significant force for economic and social progress in modern society. The insatiable demands of American business have created this multi-billion dollar industry and the greatest pool of idea-generating people and communicators in history. What has emerged is a huge and incredibly productive partnership between the advertising industry and virtually all other businesses in America.

During the past ten years, the communication power of advertising has been put to work on an ever increasing basis by international business, communities and even countries in an effort to develop foreign trade and commerce, travel and tourism and greater understanding between peoples of the world. At this very moment, the United States government, through the U.S. Travel Service is using the power of advertising to attract foreign tourists to the United States in an effort to improve our balance of payments situation.

This brings me right to the point—the reason we are here. As John Butler pointed out, the A.A.F. Amigo program attracted the attention of the Partners of the Alliance because it provides dramatic proof of the remarkable efficacy of advertising as an instrument of international goodwill, as well as an essential tool in the development of tourism, trade and capital investment.

The Central America Amigo program is a project of which every member of the advertising profession should be justly proud. I know of no other comparable international project ever undertaken by any organization or profession. Now we, the National Association of the Partners of the Alliance, are asking you, the American Advertising Federation, to help us to a degree far beyond the dimensions of the Amigo program which essentially was confined to the Central American Common Market countries and Western United States. We need your genius to help carry the message of the purposes and scope of the Partners of the Alliance programs to every corner of our United States and to every hamlet, village and city in Latin America.

We feel the Partners of the Alliance program has been remarkably successful during its short life in attracting wide participation from the private sectors both in the United States and Latin America considering the lack of any professional, advertising or public relations support. As a matter of fact, Mr. Boren, I, and others have made literally hundreds of talks and have not had a single turndown—simply because we have had a saleable product. The average U.S. businessman, the average citizen, responds almost electrically to the challenge of personal participation in a better foreign relations program. He has only needed to know that this opportunity exists.

And so we feel that a public service advertising program at community and national levels in both the United States and Latin America is vital. It should be prepared and executed by professionals. It should be designed to develop both *awareness* of and *participation* in the Partners of the Alliance Program and should be directed at various segments of society from the business leadership community to the private citizens who represent the very grass-roots of our culture.

We don't suggest *how* such a program should be prepared, we do know from the precedent-setting success of the Amigo program that it *can* be developed, and that no other group of professionals is better qualified to meet this challenge than the industry you people in this room represent.

Without usurping the professional prerogatives of the leadership of the American Advertising Federation, we do have a proposal for your consideration. All of us who have been involved with the Partners of the Alliance believe with all of our hearts and minds that we have an outstanding product to sell. We also know that professional advertising people must first be sold on the product themselves before they can honestly persuade others to buy it. With these factors in mind, we wish to make the following proposal.

1. The Partners of the Alliance proposes that the A.A.F. create a special A.A.F. Advisory Committee to the Partners of the Alliance, composed of representatives of each of the three A.A.F. regions and the Executive Committee. It is further proposed that members of this committee, including the A.A.F. Chairman, the President and/or a member of the Executive Committee, as well as a representative of each of the three regions, visit Latin America within the next 90 days to observe the Partners of the Alliance in action—"to test the product" and to evaluate its market potential. It is contemplated that this comprehensive tour will take from 14 to 18 days. *All expenses* for this tour will be borne by the Partners of the Alliance, and the members of the A.A.F. Advisory Committee will be received at the highest levels in each country visited commensurate with U.S. State Department cooperation and international protocol.

2. The Partners of the Alliance invites one A.A.F. Advisory Committee member from each of the three A.A.F. regions to attend the following inter-American investment conferences: Respectively—California—Mexico in Los Angeles in September; Northeast Brazil with their countries and states in Washington in November. Each of these A.A.F. Committee members should also have participated in the Latin American tour.

3. Upon return from their Latin American evaluation, it is hoped that the A.A.F. Advisory Committee would recommend activation of three regional Advisory Committees to the Partners of the Alliance with subcommittees being appointed in all A.A.F. Districts. Finally, it is hoped a recommendation would be made for organization of A.A.F.—Partners committees in each of the Ad Clubs throughout the country.

4. During the fall of 1967, the Partners of the Alliance requests the opportunity to participate in Ad Club programs throughout the country. Presentations could be made by Representatives of State committees of the Partners, or Special representatives of the National Association of the Partners of the Alliance.

5. The foregoing will be undertaken only if approved by the proper A.A.F. authority. If such endorsement is received, the Partners of the Alliance requests the following:

6. The opportunity to make a complete presentation to the mid-winter conference of the A.A.F., outlining the details of a nation-wide Junior Ad Club and/or Ad Club Workshop creative competition designed to implement the Partners of the Alliance programs. Details of the competition and its implementation, including the structuring of awards, etc., would be worked out between representatives of the Partners of the Alliance and the A.A.F. during the fall.

It would be understood at the outset, however, that an A.A.F. committee, composed of regional winners of the competition would be invited to visit the Partners of the Alliance in Latin America for the purpose of presenting the entire U.S. A.A.F. program to their counterparts in Latin America to the end that a similar project would be developed in that part of the hemisphere by the Latin American advertising industry.

It is the firm belief of the National Association of the Partners of the Alliance that the U.S. advertising industry's support, prestige, authority, communications power, international economic, social and cultural influences can be a major factor in the ultimate destiny of the nations in the western hemisphere. Our common enemies, especially in Latin America are hunger, disease, lack of education, lack of production, unemployment, illiteracy, and even, Castro communism. With your support, these common enemies can be defeated and accelerated success for the Alliance for Progress assured. Without this, success and even progress will come more slowly.

The word for "friend" in Spanish is Amigo. The Spanish word for "partner" is Companero. The Partners of the Alliance—Los Companeros de la Allianza, with your help, can become the greatest partnership in the history of the free enterprise system.

Thank you . . . Companeros.

WHY THE FIGHT ABOUT HUAC?

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I would like to call to the attention of the Members an excellent article by Stan Evans which appeared in the Indianapolis, Ind., News. It concerns the House Committee on Un-American Activities.

Mr. Evans is an expert on HUAC, and his comments are certainly worth the consideration of those who want to approach this committee with facts rather than innuendo.

Those of us who are anti-Communist know that anything which is critical of communism tends to be controversial. In this case, however, the controversy seems to rage on the side of those who are the detractors of our committee and not among the overwhelming majority of Americans who steadfastly support our work.

WHY THE FIGHT ABOUT HUAC?

(By Stan Evans)

Yesterday evening this writer had the interesting experience of debating on the subject of the House Committee on Un-American Activities at Earlham College.

The continuing controversy over HUAC is one of the symptoms of cultural confusion in America. Somehow there are always debates about this committee, its investigations, its alleged incursions upon popular rights. But there are hardly ever any debates over, say, the House Committee on Education and Labor.

Why is this? Critics of HUAC say it is because HUAC is a kind of demonic force bent on destroying civil liberties and aggrandizing its venal members. It allegedly does not adhere to the standards followed by other committees, serves no "legislative purpose," and has accomplished nothing over the years.

If these criticisms were true, the continuing rhubarb over HUAC would be comprehensible. But a review of the record shows that, time and again, the charges made against HUAC are not true. They are all too frequently manufactured out of the whole cloth.

On the question of protecting the rights of witnesses, for example, HUAC follows exactly the same rules as do other committees of Congress. Indeed, HUAC was the first committee of the House to draw up a formal statement of its rules.

The charge that HUAC has "accomplished nothing" is even more astounding. Among other things, the committee broke open the cocoon of hidden subversives sheltering in the government in the '30s and '40s, a network which included cells in the Agriculture, Labor, Treasury, and State Departments.

It exposed Alger Hiss, did important groundwork in the disclosure of Communist efforts in atomic and other espionage, isolated important links in the chain that ultimately led to the Institute of Pacific Relations and its impact on American Far Eastern policy.

More recently, the committee has delved into Communist influences in the Fair Play for Cuba Committee, exposed security malfeasance in the case of defecting employes in the National Security Agency, spotlighted diversion of government funds to identified Communists, pinpointed the true nature of the W.E.B. DuBois Clubs, revealed Communist manipulation behind last month's "Vietnam Week" demonstrations.

As to the charge that HUAC has "served no legislative purpose," the facts again are otherwise. It has made an estimated 160 legislative recommendations, some 45 of which have been enacted into law or adopted as administrative regulations. And it has diligently pursued its "legislative oversight" function by monitoring the way in which the security laws are enforced.

Nevertheless, the opposition to the committee goes on. A full-fledged campaign against it is being waged by an organization called the National Committee to Abolish the House Un-American Activities Committee. My opponent last night, Richard L. Criley, is the Midwestern director of this group. According to material put into the Congressional Record by former Indianapolis Congressman Donald Bruce, May 3, 1961, seven of the 13 original leaders of this group have been identified as members of the Communist Party.

According to Bruce's statement and a release this week by Rep. Richard L. Roudebush, Midwestern director Criley has been identified by four different witnesses as a member of the party. Questioned about this identification, Criley took the Fifth Amendment—in effect pleading that a truthful answer would be incriminating.

Not all opposition to HUAC stems from such sources, of course, but the sustained agitation does. And that's one key reason that the committee is so "controversial."

NEED FOR CHANGES IN CERTAIN HEW PRACTICES

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. BLACKBURN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BLACKBURN. Mr. Speaker, a recent report of the administrator of the Baptist Memorial Hospial in Jacksonville, Fla., has been brought to my attention. The report clearly shows the need for changes in certain practices of the Department of Health, Education, and Welfare. In particular, it is important to the continued independence of our hos-

pitals that HEW cease accounting practices which result in the consumption of profits and depletion allowances by medicare.

These changes might well be accomplished through the Social Security Amendments of 1967. Accordingly, I have taken the liberty of forwarding the report to all members of the House Ways and Means Committee, together with an explanatory statement.

Because of the concern of the Nation with the effect of changes in our social security laws, I am inserting the report and my explanatory letter in the RECORD following these remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 14, 1967.

Hon. WILBUR D. MILLS,
Chairman, Ways and Means Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I have recently received a communication from the pastor of one of the leading Baptist churches in my District. He advises me that by reason of his position as a member of the executive board of the Southern Baptist Hospital Board he has become aware of certain practices by the Department of Health, Education, and Welfare which were causing financial difficulties for hospitals.

Reverend Bryan Robinson, pastor of the Clairmont Hills Baptist Church in Decatur, Georgia, has forwarded me a copy of a report prepared by the Administrator of the Baptist Memorial Hospital in Jacksonville, Florida. This report points out that the Department of Health, Education, and Welfare varies the percentage of reimbursement paid to hospitals for Medicare patients, so as to permit absorption by Medicare of any profits or depletion on capital equipment which the hospital may otherwise charge its paying patients. In effect, the hospital is penalized for any efficiency which might result in a profit. The hospital is also having its allowance for depletion of capital equipment assets consumed by Medicare patients. This, of course, will ultimately result in the hospital being forced to turn to the government for assistance in replacing capital assets. Such a result would further increase the power of the federal government to regulate hospitals and make management decisions. I am taking the liberty of enclosing a copy of the report for your information and advice.

I personally hope that your influence will be used to prevent any further encroachment upon the management of hospital affairs by any agency, whether State or Federal.

Sincerely,

BEN B. BLACKBURN,
Member of Congress.

BAPTIST MEMORIAL HOSPITAL,
Jacksonville, Fla., June 22, 1967.

To: Board of Directors.
Re: May, 1967 statement of admissions and patient days, balance sheet, and statement of income and expense.

The month of May continues our previous heavy schedules. We exceeded in patient days and numbers of patients a similar period last year in all areas except Intensive Care Unit.

Accounts receivable continue to be reduced in accordance with our reduction schedule. They are now at $1,117,250.00, excluding the reserve. This represents approximately 58 days of business on the books. We are endeavoring to keep this moving in the downward direction toward 45 to 50 days on the books, and should level off somewhere around a million dollars.

You will note in the Income and Expense statement we continue to experience a loss of income in the cast room. We have discovered some administrative problems in that area and are taking steps to correct them.

In all other areas we are ahead of the budget on income and behind it on expense, and hope we can maintain this balance and good financial picture to the end of the year.

The most serious financial problem we face is evident on page six of the Statement of Income and Expense under the section headed "Medicare Discounts." The Blue Cross of Florida, our fiscal intermediary with the Federal Government, has indicated to us that, based on our 1966 audit, we can only be reimbursed 83 per cent of a patient's bill on all Medicare patients. This percentage is determined by a formula developed by the Social Security Administration which is designed to reimburse the hospital for "reasonable costs" of providing the service to Medicare beneficiaries.

During our budgeting for this current year, we forecast based on 93 per cent that we would write off approximately $83,000.00 to Medicare discounts. We are now changing our forecast to show that this will be a figure near $236,000.00. In order to adjust for the eight months ending in May, we have revised this amount by $100,815.25 over and above what we already had charged to this account. By throwing all this into the month of May we actually showed a net loss in operating income during that month. Of course, it takes the effect of reducing our eight-month net experience by that amount.

We are also billing now on the basis of 83 per cent so we will not come up at the end of the year with a great amount of money to pay back to the Federal Government. The $100,000.00 represents a contingent cash liability which will be due when we are finally audited for this year's experience. We are trying to decide whether to hold that amount as a liability or to begin reimbursing the Federal Government at this time. I will report to you later on further outcome of this matter.

The House of Representatives Ways and Means Committee is considering amendments to the Social Security Act which would assist us in dealing with the Medicare program and would change, to some extent, the financial experience we are having. Congress is considering recommendations by the American Hospital Association to increase the improvement factor in the Medicare formula from 2 per cent to 10 per cent, to change some difficult administrative problems in handling outpatient accounts and accounts wherein a full-time hospital physician staff member is involved, and is considering a revision of the basic Medicare formula itself which should be beneficial to our type of operation. Congress is also considering an amendment opposed by the American Hospital Association wherein depreciation is allowed as an expense under the Medicare reimbursement formula, that the depreciation a hospital accrues because of Medicare patients would be put into a trust fund which would then be administered and spent only on benefit of the hospital after approval of a state planning agency.

When I reported this to the Executive Committee of the Board in New Orleans in June, it urged I make this information available to Mr. Harrell so he could pass it on to all members of the Board of Directors for any help they can give with congressmen from their areas of the country. Mr. Harrell and I have discussed this matter and agreed I should make this information available to you at this time in this manner. Additional reports will follow. We are in favor of the first three items and hope the Ways and Means Committee and Congress will act favorably on them. We are unalterably opposed to the matter of a state agency telling us how to spend depreciation funds and hope Congress will act unfavorably on this.

Mr. Wilson and I will have a comparative report on Medicare and non-Medicare experience of the hospitals for you in the August Board meeting.

In the meantime, we shall try to keep you informed on this and other matters.

Respectfully submitted,

GEORGE MATHEWS,
Administrator.

SELECTIVE SERVICE BILL

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. GUDE. Mr. Speaker, the importance of legislation that will affect the lives of all our young men cannot be minimized. The selective service bill that we are considering today will probably affect more young men in the next 4 years than any other piece of legislation in this 90th Congress.

I shall vote for this bill reluctantly. I do so feeling that during this period of crisis and due to our military commitments around the world, we cannot afford an interruption in our Selective Service program.

My reluctant support is based primarily on the fact that this fails to provide for uniform national standards, and allows for a haphazard system in which each local draft board sets its own standards which inevitably must result in unjustifiable inequities. I am very disappointed that the other body has watered down provisions that would have insured uniform national criteria for classification of men for the draft.

This bill authorizes that the Federal Government recommend such standards. I am hopeful that this will be a beginning in working toward uniform classification standards and that it will minimize the inequities that exist.

A RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE ESTABLISHMENT OF PERMANENT PEACE IN THE MIDDLE EAST

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. WHALEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. WHALEN. Mr. Speaker, armed conflict in the Middle East has ceased. The long debate dealing with the unresolved problems in this area now has begun.

Future world peace may well hinge upon the outcome of these discussions. Thus, the United States has an important stake in current Middle East negotiations.

While representatives of the executive branch serve as our country's spokesmen during the dialog on the Middle East, it

is imperative that their views reflect national attitudes.

The most effective means of discerning and expressing national views is through congressional action.

To this end, I am introducing today the following House resolution "expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East."

Some 54 of my colleagues, as of now, have agreed to support this resolution, and I am taking the liberty of listing their names below.

I invite the other Members of the House of Representatives who have not done so already to join me in this expression of national policy.

The text of the resolution and the names of Members who have introduced identical or similar resolutions follows:

H. RES. 645

Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East

Whereas, an internal Middle East conflict inherently endangers the peace and well-being of the world community of nations; and

Whereas, an open door in the Middle East is vital to the flow of world commerce; and

Whereas, by United Nations Declaration Israel legally deserves the status and rights of a sovereign nation and the territorial integrity which such status entails; and

Whereas, many thousands lost their lives in the recent Middle East conflict: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that permanent peace in the Middle East can be achieved only if:

1. The existence and sovereignty of Israel is acknowledged by the Arab nations;

2. Freedom of passage in the Suez Canal and the Gulf of Aqaba is guaranteed not only to Israel but to all nations;

3. Final settlement of the boundaries of the State of Israel is made and such boundaries are acknowledged by the Arab nations;

4. Effective restrictions are imposed upon the flow of arms into the Middle East from other members of the world community;

5. All nations address themselves to a final and equitable solution of the refugee problem in the Middle East; and be it further

Resolved, That the House of Representatives, in order that lasting peace may be established in the Middle East, urges the President of the United States:

1. To use all diplomatic resources at his command, including our membership in the United Nations, to work for the accomplishment of the five aforementioned objectives, and

2. To avoid repeating the mistake of 1956 which led to resumption of hostilities eleven years later, by opposing, as a precondition to the discussion and negotiation of the aforementioned five objectives, the relinquishment by Israel of territories possessed at the time the cease fire was effectuated.

CONGRESSMEN FILING THE MIDDLE EAST RESOLUTION

Charles W. Whalen, Jr., Garner E. Shriver, Theodore R. Kupferman, Daniel E. Button, Fred Schwengel, John E. Hunt, Jerome R. Waldie, W. E. Brock, Seymour Halpern, Ed Reinecke, Lionel Van Deerlin, Lawrence G. Williams, E. S. Johnny Walker.

Thomas G. Morris, Tom Railsback, Howard W. Robison, Richard L. Ottinger, James H. Scheuer, James A. Byrne, Barratt O'Hara, Robert L. F. Sikes, Louis C. Wyman, Catherine May, William L. Hungate, John Brademas, Bill Nichols, Margaret Heckler.

Thomas M. Rees, Garry Brown, Joel T. Broyhill, William L. St. Onge, J. Herbert Burke, G. Elliott Hagan, William F. Ryan, Harold R. Collier, Richard S. Schweiker, Torbert H. Macdonald, Henry P. Smith III, Robert L. Leggett, Donald E. Lukens.

Dan Kuykendall, Walter S. Baring, James C. Corman, J. Irving Whalley, James C. Gardner, Peter Kyros, John Slack, Morris Udall, Robert Denney, Guy Vander Jagt, Gilbert Gude, Florence Dwyer, Edward G. Biester, Jr., William V. Roth Jr., George Bush.

QUESTIONNAIRES HELP OUR CONGRESSMEN

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BURTON of Utah. Mr. Speaker, all of us in Congress hope we qualify as experts on the needs and desires of our constituents. Nonetheless, it seems necessary to "touch base" with the people frequently in order to keep our feet on the ground, for the world changes and the moods of our constituents change—and not always in harmony.

I am sure that most of us are aware of the great value of mailed questionnaires, and I am sure that if the citizens of our districts could sit in our places they, too, would feel that the efforts expended in registering their opinions are unusually worthwhile.

Our distinguished colleague from Colorado [Mr. BROTZMAN] recently conducted such an opinion poll—as did I. In the course of comparing notes, he showed me an editorial from a newspaper in his district, the Longmont Daily Times-Call, which seemed to present the rationale of the opinion poll unusually well.

Mr. Speaker, I am inserting this editorial in the RECORD for the benefit of the Members:

QUESTIONNAIRES HELP OUR CONGRESSMEN

We have always admired those people who are easy with a pen and can sit down and turn out a short, sensible letter to their Congressman. We have known a few people who not only can, but do send their views to Washington in this way. Unfortunately they are a rare type with the result that our representatives in Washington are often forced to grope for the opinions of most of their constituents.

Finding the sense of their districts has become an increasingly difficult problem for our congressmen and senators. First they can spend very little time at home because Congress stays in session much longer than it used to. Being a Washington representative is not the part-time job it once was.

Secondly the number of people each Congressman and senator represents has increased many times making it just about impossible to talk to a very large proportion of the people in a district or a state.

In many ways we are inclined to deplore the use of questionnaires by Congressmen to find out what people are thinking, but for the moment, we cannot think of a better way for them to do the job.

The recent questionnaire which Congressman Don Brotzman sent out did a fine job of presenting eight questions of major importance to the country. Of the 190,000 questionnaires sent out over 29,000 were returned which represented the opinions of 49,000 people (two votes being allowed per card).

Answers to some of the questions seemed less than consistent. People want to raise the Social Security benefits, but at the same time they oppose a tax increase. And without a tax increase they want to continue the war in Vietnam until North Vietnam gives in. They showed no desire for us to stop bombing the North without definite concessions.

It is going to be hard to keep the war going at the present pace and increase home spending without a tax increase.

People seem reluctant to get China into the UN; although the margin against this is far smaller than it probably would have been a few years ago.

Youth should be interested in the poll to the extent that most people thought the draft was fair and that 18-year-olds should not vote. It is interesting to note that Congress is working to change the draft law since the poll was taken, though not materially.

People were not clear at all as to how they feel about the federal government becoming a giant tax collecting agency that would pull in the funds for the states and then parcel them back out on the basis of how much the states had paid in.

The clearest point of all which we hope all congressmen, in Colorado and across the nation, take to heart is that 94.4 per cent of the poll answerers think Congress should have a code of ethics.

THE OIL IMPORT PROGRAM

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. SMITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, it gives me a great deal of pleasure to sponsor this bill.

The independent segment of the oil industry in the State of Oklahoma is struggling for its survival. Since the 8-year-old mandatory oil import program was undertaken in 1959 to protect the national security as relates to petroleum fuels, there have been accumulated pressures on the oil import program which can be summarized as follows:

Certain proposals by five different companies to construct new or expanded refinery-petrochemical facilities in Puerto Rico and the Virgin Islands, with authorization to move about 95,000 barrels daily of light products and an indeterminate volume of residual fuel to the U.S. mainland.

Pending "trade zones" at Taft, La., and in Bay County, Mich., both approved by the Foreign Trade Zones Board, the Department now has the responsibility for acting on applications to permit 30,000 barrels daily of foreign petrochemical feed stocks sought for processing in these zones.

The Canadian exports into U.S. markets, which were estimated and then deducted from other—offshore—imports in each allocation period, exceed agreed-upon volumes in each period, and because of new Canadian capacity are resulting in increasing pressures which many doubt can be contained under the

informal arrangements that have applied to Canadian imports in the past.

For reasons that still are not clear, Interior proposed, and the President signed, an amendment to the oil import proclamation to give Secretary Udall "discretionary" authority to import asphalt outside the 12.2 import ratio. The proposal was said to be tied to developing "asphalt shortages" and "higher prices"; however, I must say I have been unable to find evidence of either "asphalt shortages" or "higher prices."

In addition to the very real potential of these threatening and widening "loopholes," confidence in the import program is further undetermined by Government's declared intent to manipulate the program as a coercive means of holding down oil prices. Secretary Udall has notably mentioned that keeping down prices is the basic reason for the proposal to permit greater asphalt imports.

Not one of these propositions to hike imports has any relationship to security considerations. All are simply private measures to give specific companies special or preferred treatment in their access to foreign oil or its products. Each could have only one effect—to improve its sponsor's economic position in relation to competitors.

The five active applications which have been made to coastal projects in Puerto Rico and the Virgin Islands would create gaps in the import program; and as well, additional inflow of foreign petroleum products, assuming all the products were approved, would aggravate the U.S. balance-of-payments deficit by another $100 million. Further, it would simply destroy the Department of Defense cuts in foreign product purchases and imports in order to ease the U.S. balance-of-payments deficit.

In relation to the applications which were made to the Foreign Trade Zones Board some 2 years ago to establish trade zones in Taft, La., and Bay County, Mich., which were approved by the Secretary of Commerce, it should be noted that import allocations of 74,000 barrels daily to Puerto Rico firms already exceed the equivalent feed stocks of about 50,000 barrels a day which go into the export limit. Further, if petrochemical processors are granted preferential access to foreign feedstocks, others for comparable reasons would be compelled to seek similar treatment. Indeed, can the Government, in fairness, dole out preferential treatment to just one or two without giving similar treatment to others? Such a "trade zone stampede," as Mr. Udall has stated, "could wreck the whole import program."

In relation to the supposed shortage of asphalt and to rising prices of the product in the U.S. highway program, all evidence indicates that there is subsequent excess of the current demand. A recent study pointed out that in 1958 the asphalt capability from our domestic crude was 700,000 barrels a day. Since 1958, production of crude has increased 24 percent. In 1966, asphalt demands were only 368,000 barrels daily. In actuality, the asphalt stock situation actually improved in 1966, rising from 16.1 million barrels at the beginning of the year to 17.3 million barrels at the end of 1966. Therefore, it would seem evident that there is no available information which would justify granting importers of asphalt or asphaltic oils preferential treatment under the import program.

In addition to this accumulation of threats to the stabilization of the import program, the completely unauthorized interference into oil pricing, first in the Oklahoma-Kansas crude oil prices last fall, then in gasoline pricing, now in asphalt prices, serve to shatter confidence in the entire program. These actions serve only to raise the question as to whether imports are to be firmly limited to serve oil security objectives or maneuvered to keep depressed oil prices further depressed.

While the import ratio has held fairly stable, domestic production and exploration have continued to decline along with operating rigs, drilling completions, footing drilled, and seismic crews have reached new lows in 1966. The additions to our reserve have been inadequate. In Oklahoma, 1959 and 1966 activity compares as follows:

Total well completions fell from 6,230 to 4,069, a 35-percent decline.

Footage drilled declined from 21,278,000 feet to 18,142,000 feet, a reduction of 15 percent.

Operating rigs were reduced from 226 to 141. In 1967, rig activity has further declined.

While drilling of exploratory wells increased in 1966, the 505 wildcat wells drilled were less than one-half the number drilled in 1959.

Crude oil production increased 11 percent compared to an increase of 18 percent in crude oil imports into districts I through IV.

The only basis for mandatory oil import program is national security, and that basis must be completely reaffirmed.

With that overall objective in mind we should:

Commit ourselves to the preservation of the general principles of the current quota system with a reasonable reduction in the overall level of imports.

Include all nonresidual imports into districts I through IV within the prescribed import ratio.

Subject all products moving from offshore chemical plants to the same restrictions that such products would have if moving from foreign sources.

Allow free imports into trade zones only to the extent products are exported and require raw material quota in proportion to the U.S. product imports.

Delay the use of the "discretionary" asphalt import authority at least until the Office of Emergency Planning has completed its study of national security aspects of the importing of both finished asphalt and asphalt content crude.

Continue to recognize the defense contribution of overland crude by exempting these imports from controls but restrict overland import growth to the same rate as the U.S. crude demand growth.

Establish more specific guidelines for the operation of the Oil Import Appeals Board.

Because so many States, including Oklahoma, are supported by the oil industry, and because the whole stability of our economy could be at stake, I would urge my colleagues to move as quickly as possible on this measure.

This measure will provide long-range stability and insure an ample oil supply to this country in the interest of our national security. The American oil industry has too long suffered from the fourth agency of Government who rules by agency decree. It behooves us to protect our national economy and resources by supporting this measure.

A BREAK FOR THE HOMEOWNER

The SPEAKER. Under previous order of the House, the gentleman from New York, [Mr. HALPERN], is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, it is high time we gave a break to the homeowner—the backbone of our Nation. For far too long, the homeowner has been the forgotten man on the American scene, and the one hardest hit by the tax collector.

The American homeowner—the pillar of our communities—has no organized pressure group for massed demands upon the Congress. His basic rights and needs have a way of being lost in the turmoil of behests and pleas which always swirls about this Hill.

I urge all of my colleagues in this House to remember that we are the spokesmen for the American homeowner, and he depends upon us to be aware of his burdens and needs, and to act for the fulfillment of those needs.

One of these needs, and one of the most important, is a meaningful measure of tax relief. I have pressed for such relief in previous sessions of this House, and I shall strive for this goal again in this Congress.

For that reason, I am introducing today two bills aimed at assisting homeowners, and helping to fortify American communities against the spreading blight which results from lack of repairs and improvements to homes.

The first bill would provide depreciation allowances to make up for wear and tear on a home. We have ample precedent for this in the depreciation allowances enjoyed by the owners of business and commercial property.

Homes are the stock in trade of American communities, providing the taxes which form a major part of local tax income. If they are kept in good repair, the locality's tax resources remain strong.

The general economic health of cities, towns, and villages reflects the condition of their homes. The money spent for upkeep and repairs goes into the tills of local businessmen. Furthermore, the businessmen of a well-kept home area are always more prosperous—and let us not forget that their income taxes swell the Federal Treasury.

Even more basic than that, we must never lose sight of the fact that the construction industry is the bellwether of the overall economy in urban area. When the construction industry thrives and its mechanics are earning steady incomes, local industry and commerce also thrive.

My proposals can provide the incen-

tive to homeowners to maintain the condition of their homes and to improve them, providing a tremendous shot-in-the-arm to the construction industry, and helping it to help the economy.

The second bill I am introducing today would provide for a deduction of up to $750 in the owner's income tax return for expenses incurred by the taxpayer on improvements and repairs to his residence. This is the heart of my program. It is a forceful incentive to home beautification and continuing upkeep.

I am certain that many of us have observed increasing signs of general depreciation in many communities. This is especially evident in lower income communities, and that is understandable in the light of the soaring costs of materials and skilled labor.

Home depreciation is a progressive blight. A repair that goes undone one year may cost twice as much to correct in the second year, and four times as much in the third year.

Eventually, if the regular, periodic maintenance work has not been carried out, there comes a point where the cost of repairs becomes so prohibitive as to be impossible. From that point on, creeping blight becomes rampaging blight.

The Bureau of the Census in 1960 reported that only 74 percent of all the housing in America could be deemed to be in sound condition. Since then, there has been a steady increase in the costs of home maintenance. We can hardly hope that the rate of deterioration had decreased. In fact, we can safely assume that delapidation has spread.

We must do everything in our power to encourage the physical preservation of the American home, for it is the foundation of the American community.

Enactment of the two laws I have introduced today will go a long way toward making that preservation more possible.

MIDEAST PEACE FORCE

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, I stood before the Members of this House on June 5, as the parties in the Middle East plunged into their first day of open struggle, to express once again my grave disappointment and concern for the action of the U.N. Secretary General U Thant in withdrawing the troops of the United Nations Emergency Force from Egypt on May 18. That action was taken directly upon the request of President Nasser, and without the consultation or advice of any formal body within the United Nations.

It was the stated opinion of the Secretary General at that time that Egypt, in exercising her rights as a sovereign nation, had full right to demand and expect the immediate withdrawal of the U.N. peacekeeping force. Mr. Thant argued that while the General Assembly had created the emergency force in 1956, the actual admission of the troops to Egyptian soil had been the result of direct negotiations between the Secretary General and the Egyptian Government, thus precluding the need for General Assembly consent to a withdrawal.

To many of us these legalisms seemed hollow. We felt, as Israel's Foreign Minister Abba Eban noted before the U.N. Security Council, that—

> It is not a question of sovereignty that is here involved. The United Nations has a right to ask that when it assumes a function, the termination of that function shall not take place in conditions that would lead to anti-Charter situations.

We asked along with Mr. Eban, as we may well ask now:

> What is the use of a United Nations presence if it is, in effect, an umbrella which is taken away as soon as it begins to rain?

Today we have evidence to support our doubts—evidence which bares the illogical framework of Mr. Thant's argument. I refer the attention of my colleagues to the aide-memoire of August 5, 1957, by the then Secretary General Dag Hammarskjold, which was released in yesterday's New York Times. Here we find the record of secret negotiations between Mr. Hammarskjold, who foresaw our current problems in the withdrawal of the U.N. force, and the Egyptian Government. We learn that those negotiations resulted in the tacit agreement that the UNEF would not be removed until the General Assembly could meet to determine whether the mission of the troops had been completed.

I can only find it deplorable that our present Secretary General was unable to exercise the vigor and foresight of his predecessor in guarding the stability of the Middle East.

Of still more shocking consequence, however, is the disclosure that Mr. Thant acted not only in poor judgment but in defiance and denial of a negotiated precedent. He contended that the decision to remove the UNEF was his alone, and that—

> It is not for the General Assembly to act; it is not within the competence of the General Assembly to act.

In so doing Mr. Thant not only rejected, but in effect denied the existence of, the procedure established by his predecessor to deal with just the kind of emergency situation which arose in the Middle East. This procedure contrary to Mr. Thant's statement specifically provided the General Assembly with competency to act on this very question which arose. At a time when the need for deliberation and contemplation regarding the Middle East was of the highest order, the Secretary General chose to ignore the means for accomplishing this, so wisely established by Mr. Hammarskjold.

Mr. Thant has stated that the memorandum was known to him. It is truly unfortunate that he did not see fit to follow or reveal the wisdom which it provided for him, for the United Nations and for the cause of peace.

Mr. Speaker, I offer the full text of the Hammarskjold document as reprinted in yesterday's New York Times, for inclusion in the body of the RECORD:

TEXT OF HAMMARSKJOLD MEMORANDUM ON MIDEAST PEACE FORCE

WASHINGTON, June 18.—*Following is the text of an aide-mémoire prepared Aug. 5, 1957, by Dag Hammarskjold, then Secretary General, for his files on negotiations covering the presence of United Nations troops in the United Arab Republic. Before his death, Mr. Hammarskjold gave a copy of the memorandum to a friend, Ernest A. Gross, former United States representative at the United Nations, who has agreed to its publication this week by the American Society of International Law.*

As the decision on the U.N.E.F. [United Nations Emergency Force] was taken under Chapter VI [of the Charter] it was obvious from the beginning that the resolution did in no way limit the sovereignty of the host state. This was clear both from the resolution of the General Assembly and from the second and final report on the emergency force. Thus, neither the General Assembly nor the Secretary General, acting for the General Assembly, created any right for Egypt, or gave any right to Egypt, in accepting consent as a condition for the presence and functioning of the U.N.E.F. on Egyptian territory. Egypt had the right, and the only problem was whether that right in this context should and could in some way be limited.

CABLE FROM BURNS

My starting point in the consideration of this last-mentioned problem—the limitation of Egypt's sovereign right in the interest of political balance and stability in the U.N.E.F. operation—was the fact that Egypt had spontaneously endorsed the General Assembly resolution of 5 November [creating the force] and by endorsing that resolution had consented to the presence of the U.N.E.F. for certain tasks. They could thus not ask the U.N.E.F. to withdraw before the completion of the tasks without running up against their own acceptance of the resolution on the force and its tasks.

The question arose in relation to Egypt first in a cable received 9 November from Burns [E. L. M. Burns, Canadian lieutenant general who was chief of staff of the United Nations Truce Supervision Organization in Palestine and who became in November 1956, commander of the United Nations Emergency Force and is now adviser on disarmament to the Canadian Government] covering an interview the same day with Fawzi [Mahmoud Fawzi, Egyptian Foreign Minister in 1956 and now Deputy Premier for Foreign Affairs of the United Arab Republic]. In that interview Egypt had requested clarification of the question how long it was contemplated that the force would stay in the demarcation line area. To this I replied the same day: "A definite reply is at present impossible, but the emergency character of the force links it to the immediate crisis envisaged in the resolution of 2 November [calling for truce] and its liquidation. In case of different views as to when the crisis does not any longer warrant the presence of the troops the matter will have to be negotiated with the parties." In a further cable to Burns the same day I said, however, also that "as the United Nations force would come with Egypt's consent, they cannot stay nor operate unless Egypt continues to consent."

On 10 November Ambassador Loutfi [Omar Loutfi, chief Egyptian delegate at the United Nations in 1956, later an Under Secretary of the United Nations, who died in 1963], under instruction, asked me, "whether it was recognized that an agreement is necessary for their (U.N.E.F.'s) remaining in the canal area" once their task in the area had been completed. I replied that it was my view that such an agreeement would then be necessary.

On 11 November Ambassador Loutfi saw me again. He then said that it must be agreed that when the Egyptian consent is no more valid, the U.N. force should withdraw. To this I replied that I did not find that a withdrawal of consent could be made before the tasks which had justified the entry, had been completed; if, as might happen, differ-

ent views on the degree of completion of the tasks prescribed proved to exist, the matter should be negotiated.

The view expressed by Loutfi was later embodied in an aide-mémoire, dated the same day, where it was said: "The Egyptian Government takes note of the following: A. It being agreed that consent of Egypt is indispensable for entry and presence of the U.N. forces in any part of its territory, if such consent no longer persist, these forces shall withdraw."

I replied to this in a memo dated 12 November in which I said: "I have received your aide-mémoire setting out the understanding on the basis of which the Egyptian Government accepts my announcing today that agreement on the arrival in Egypt of the United Nations force has been reached. I wish to put on record my interpretation of two of these points." Regarding the point quoted above in the Egyptian aide-mémoire, I then continued: "I want to put on record that the conditions which motivate the consent to entry and presence, are the very conditions to which the tasks established for the force in the General Assembly resolution [requesting preparations for establishment of the force], 4 November, are directed. Therefore, I assume it to be recognized that as long as the task, thus prescribed, is not completed, the reasons for the consent of the government remain valid, and that a withdrawal of this consent before completion of the task would run counter to the acceptance by Egypt of the decision of the General Assembly. I read the statement quoted in the light of these considerations. If a difference should develop, whether or not the reasons for the arrangements are still valid, the matter should be brought up for negotiation with the United Nations."

MESSAGE FROM FAWZI

This explanation of mine was sent to the Egyptian mission after my telephone conversation in the morning of the 12th with Dr. Fawzi where we agreed on publication of our agreement on the entry of the U.N.E.F. into Egypt. In view of the previous exchanges, I had no reason to believe that my statement would introduce any new difficulty. I also counted on the fact that Egypt probably by then was so committed as to be rather anxious not to reopen the discussion. However, I recognized to myself that there was an element of gambling involved which I felt I simply had to take in view of the danger that further delays might cause Egypt to change its mind, accept volunteers and throw our approaches overboard.

However, the next morning, 13 November, I received a message from Dr. Fawzi to the effect that the Government of Egypt could not subscribe to my interpretation of the question of consent and withdrawal, as set out on 12 November, and therefore, in the light of my communication of that date, "felt impelled to consider that the announced agreements should remain inoperative until all misunderstandings were cleared up." The Government reiterated in this context its view that if its consent no longer persisted, the U.N.E.F. should withdraw.

I replied to this communication—which caused a further delay of the transportation of troops to Egypt by at least 24 hours—in a cable sent immediately on receipt of the communication. In drafting my reply I had a feeling that it now was a must to get the troops in and that I would be in a position to find a formula, saving the face of Egypt while protecting the U.N. stand, once I would discuss the matter personally with President Nasser.

In the official reply 13 November I said that my previous statements had put forward my personal opinion that "the reasons" for consent remained valid as long as the task was not completed. I also said that for that reason a withdrawal of consent leading to the withdrawal of the force before the task was completed (as previously stated) in my view, "although within the rights of the Egyptian Government would go against its acceptance of the basic resolution of the General Assembly." I continued by saying that my reference to negotiation was intended to indicate only that the question of withdrawal should be a matter of discussion to the extent that different views were held as to whether the task of the General Assembly was fulfilled or not. I referred in this respect to my stand as explained already in my message of 9 November, as quoted above.

FREEDOM OF ACTION

I commented upon the official reply in a special personal mesage to Fawzi, sent at the same time, where I said that we "both had to reserve our freedom of action, but that, all the same, we could go ahead, hoping that a controversial situation would not arise." "If arrangements would break down on this issue" (withdrawal only on completion of the tasks), "I could not avoid going to the General Assembly" (with the conflict which had developed between us on this question of principle) "putting it to their judgment to decide what could or could not be accepted as an understanding. This situation would be a most embarrassing one for all but I would fear the political repercussions, as obviously very few would find it reasonable that recognition of your freedom of action should mean that you, after having permitted the force to come, might ask it to withdraw at a time when the very reasons which had previously prompted you to accept were still obviously valid." I ended by saying that I trusted that Fawzi on the basis of this personal message could help me by "putting the stand I had to take on my own rights, in the right perspective." The letter to Fawzi thus made it clear that if the Government did not accept my stand on withdrawal as a precondition for further steps, the matter would be raised in the Assembly.

On the basis of these two final communications from me, Egypt gave green lights for the arrival of the troops, thus, in fact, accepting my stand and letting it supersede their own communication 13 November.

In my effort to follow up the situation, which prevailed after the exchange in which different stands had been maintained by Egypt and by me, I was guided by the consideration that Egypt constitutionally had an undisputed right to request the withdrawal of the troops, even if initial consent had been given, but that, on the other hand, it should be possible on the basis of my own stand as finally tacitly accepted, to force them into an agreement in which they limited their freedom of action as to withdrawal by making a request for withdrawal dependent upon the completion of the task—a question which, in the U.N., obviously would have to be submitted to interpretation by the General Assembly.

OBSTACLES TO SOLUTION

The most desirable thing, of course, would have been to tie Egypt by an agreement in which they declared, that withdrawal should take place only if so decided by the General Assembly. But in this naked form, however, the problem could never have been settled. I felt that the same was true of an agreement to the effect that withdrawal should take place upon "agreement on withdrawal" between the U.N. and the Egyptian Government. However, I found it worthwhile to try a line, very close to the second one, according to which Egypt would declare to the United Nations that it would exert all its sovereign rights with regard to the troops on the basis of a good faith interpretation of the tasks of the force. The United Nations should make a reciprocal commitment to maintain the force as long as the task was not completed. If such a dual statement was introduced in an agreement between the parties, it would be obvious that the procedure in case of a request from Egypt for the withdrawal of U.N.E.F. would be as follows. The matter would at once be brought before the General Assembly. If the General Assembly found that the task was completed, everything would be all right. If they found that the task was not completed and Egypt, all the same, maintained its stand and enforced the withdrawal, Egypt would break the agreement with the United Nations. Of course Egypt's freedom of action could under no circumstances be limited but by some kind of agreement. The device I used meant only that instead of limiting their rights by a basic understanding requesting an agreement *directly concerning withdrawal*, we created an obligation to reach agreement on the fact that the tasks were completed, and, thus, *the conditions for a withdrawal established*.

I elaborated a draft text for an agreement along the lines I had in mind during the night between 15 and 16 November in Capodichino [Italy] I showed the text to Fawzi at our first talk on 16 November and I discussed practically only this issue with Nasser for seven hours in the evening and night of 17 November, Nasser, in this final discussion, where the text I had proposed was approved with some amendments, showed that he very fully understood that, by limiting their freedom of action in the way I proposed, they would take a very serious step, as it would mean that the question of the extent of the task would become decisive for the relations between Egypt and the United Nations and would determine Egypt's political freedom of action. He felt, not without justification, that the definition given of the task in the U.N. texts was very loose and that, tying the freedom of action of Egypt to the concept of the task—which had to be interpreted also by the General Assembly—and doing so in a written agreement, meant that he accepted a far-reaching and unpredictable restriction. To shoot the text through in spite of Nasser's strong wish to avoid this, and his strong suspicion of the legal construction—especially of the possible consequences of differences of views regarding the task—I felt obliged, in the course of the discussion, to threaten three times, that unless an agreement of this type was made, I would have to propose the immediate withdrawal of the troops. If any proof would be necessary for how the text of the agreement was judged by President Nasser, this last mentioned fact tells the story.

It is obvious that, with a text of the content mentioned approved by Egypt, the whole previous exchange of views was superseded by a formal and explicit recognition by Egypt of the stand I had taken all through, in particular on 9 and 12 November. The previous exchange of cables cannot any longer have any interpretative value as only the text of the agreement was put before the General Assembly and approved by it with the concurrence of Egypt and as its text was self-contained and conclusive. All further discussion, therefore, has to start from the text of the agreement, which is to be found in document A/3375. The interpretation of the text must be the one set out above.

WHERE IS THE SOUTH VIETNAMESE ARMY?

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, recent news reports from South Vietnam have quoted Premier Nguyen Cao Ky as

saying that 600,000 American troops would now be required to win the war that is raging there. This would necessitate the sending of an additional 137,000 men to South Vietnam.

Despite the 1964 campaign promise made by President Johnson that American soldiers would not be sent 9,000 or 10,000 miles away to do what the Asians ought to be doing for themselves, we have sent aproximately 463,000 troops to Vietnam and now, the United States finds itself being told by this petty Vietnamese military dictator what our future military manpower commitments ought to be. Although one might ask the whereabouts of the South Vietnamese military forces these days, and question its overall lamentable performance, the sad and tragic fact is that the Rusk-McNamara team will acquiesce in Ky's demand for additional American troops "to do what Asian boys ought to be doing for themselves."

Mr. Speaker, I include an editorial which appeared in the June 16, 1967, New York Times that comments on the conduct of the war:

PREMIER KY'S WAR?

Premier Nguyen Cao Ky of South Vietnam has pronounced judgment: 600,000 American troops are needed to win the war in Vietnam. He calmly, and with apparent confidence, made his desires known a few hours after the Pentagon announced that Secretary of Defense McNamara, Under Secretary of State Katzenbach and others are flying to Saigon Sunday.

The United States seems on the verge of one more major escalation of the Vietnamese conflict. General Westmoreland's recent trip to the United States, coupled with seemingly inspired reports from Washington and Saigon, reinforces the belief that an American force of 462,000 men plus other forces at sea and in Thailand is considered insufficient.

All this even though President Johnson said again and again in his 1964 electoral campaign that he had no intention of sending "American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."

Unfortunately, Premier Ky's soldiers have not even shown the determination needed to defend their own people in the pacification program. As a result the defensive work as well as most of the offense has had to be taken over by American soldiers. This is aside from the fact that the pacification campaign has, to date, been a failure; its promised revitalization has not occurred.

It would stretch credibility to detach Premier Ky's figure of 600,000 American soldiers from the fact that he is a candidate for the Presidency of South Vietnam and has been conducting an open drive for the post even before the official opening of the campaign. He is apparently running on a program of outpromising any other candidate, with American troops and supplies as his promissory notes.

Escalation on the ground and in the air has merely extended the scope of the war and the casualties without bringing any discernible progress toward an end of hostilities. The sole effect of each increase in forces is to provide the impetus for yet another increase and multiply the risk of world holocaust.

The quest for a military victory in Vietnam has perhaps been spurred by the speed of the Israeli victory in the Mideast. If so, it would be well to consider the enormous and baffling problems that now face Israel, the Arab states and the great powers as a result of a military success that the United States could not at this late stage duplicate in Vietnam.

The longer the Vietnam war goes on and the greater the costs on both sides, the more intractable the obstacles to a negotiated settlement will become. In any case Marshal Ky should be told that the war is not being fought to advance his political career.

STATEMENT BY AMBASSADOR GIDEON RAFAEL TO THE SECURITY COUNCIL ON MAY 29, 1967

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, on May 29, 1967, Israel Ambassador Gideon Rafael spoke before the Security Council of the United Nations. In his address, Mr. Rafael reviewed the repeated acts of aggression of the Arabs which led to the recent crisis in the Middle East.

I commend to the attention of our colleagues Ambassador Rafael's address as follows:

STATEMENT BY AMBASSADOR GIDEON RAFAEL, PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS BEFORE THE SECURITY COUNCIL ON MAY 29, 1967

Mr. President, on Saturday, May 13th—just two weeks ago—the streets of Cairo reverberated with the sound of tanks and the cries of agitated crowds whipped up by cheer leaders chanting: "We want war with Israel."

We in Israel looked on this spectacle with detachment, thinking that this was just one more outburst of chauvinist frenzy which is such a common feature of the Arab military dictatorship regimes.

But the tanks and the marching columns did not return to their barracks. They moved forward into Sinai as the spearhead of a massive military concentration along the southern borders of Israel.

While the military machine was moving with ever increasing momentum, the Egyptian propaganda machine poured out a torrent of threats against Israel and charged that we had massed large forces on our northern border in preparation for an attack against Syria.

Although the trumped-up nature of these propaganda allegations was obvious, my Government nevertheless instructed me to inform the Secretary-General of their complete unfoundedness. As the Secretary-General confirms in his first report to the Security Council (S/7896), I conveyed to him on 15 May the assurances of my Government that Israel had not concentrated any troops anywhere, and harbored no aggressive intentions against any of her Arab neighbors. I requested the Secretary-General to convey these assurances to the Arab Governments concerned. He acted without delay on our request and added that the independent inquiries which he had conducted through his own United Nations representatives in the area confirmed the facts conveyed to him by Israel. At the meeting of the Security Council on 24 May, I drew the Council's attention to the relevant paragraph of the Secretary-General's report. This notwithstanding, the Representative of the United Arab Republic in his letter of 27 May to the President of the Security Council not only brazenly repeats this fabrication, but in doing so he distorts the Secretary-General's report. I understand his predicament, but I cannot admire his audacity.

The unfounded charge of alleged Israel troop concentrations is the keynote of the Egyptian case for moving its forces against Israel. If it is pulled away, the whole flimsy edifice of Egyptian propaganda will collapse like a house of cards. By the alchemy of constant repetition, the Egyptian propaganda machine tries to transmute the big lie into golden truth. This technique has been tried before, and not so long ago—with initial success and final disaster for its practitioners.

Mr. President, to return to the narration of the events. On 16 May, one day after my government had conveyed these assurances to the Secretary-General, President Nasser moved against UNEF, and deployed heavy Egyptian forces right along the Israel border. In his report to the General Assembly the Secretary-General, with his accustomed restraint and courtesy, has painted a vivid picture of the attitudes and actions of the Egyptian authorities. An ultimatum was issued, and while it was being delivered Egyptian military forces took over positions held by UNEF, and shells were even fired to speed up the evacuation. With UNEF safely out of the way, more Egyptian forces were poured into Sinai. At this point the situation became critical.

Israel defense forces were still on their normal peace footing. But in the light of these sudden and threatening moves, my Government was compelled to take limited precautionary measures.

On 22 May the Secretary-General, alarmed at the rapidity with which the situation was deteriorating, left on his journey to Cairo. While he was en route, President Nasser, in a fiery speech proclaimed the blockade of the international waterway of the Straits of Tiran and the Gulf of Aqaba.

When the Secretary-General arrived in Cairo, not only did he find himself confronted with the fait accompli of the blockade, but also with the same whipped-up crowds greeting him with cries: "We want war with Israel." Next came announcements that operational blockade measures were being put into effect, and that mines were being laid in the international waterway.

The Secretary-General returned to New York earlier than expected and his report is now before the Security Council. In paragraph 10 of that report (s/7906) he stated:

"The decision of the Government of the United Arab Republic to restrict shipping in the strait of Tiran of which I learned while en route to Cairo, has created a new situation. Free passage through the Strait is one of the questions which the Government of Israel considers most vital to her interests . . . While in Cairo, I called to the attention of the Government of the United Arab Republic the dangerous consequences which could ensue from restricting innocent passage of ships in the Strait of Tiran. I expressed my deep concern in this regard and my hope that no precipitate action would be taken."

Mr. President, this is President Nasser's reply to the representations made to him by the Secretary-General. On 26 May he said:

"Sharm el Sheikh means real confrontation with Israel. Taking such a step means that we should be ready to enter full-scale war with Israel. It is not an isolated operation."

This speaks for itself.

As the Secretary-General himself has stated, the important immediate fact is that the situation in the Straits of Tiran represent a very serious potential threat to peace.

The position of my Government was stated in unambiguous terms by the then Foreign Minister of Israel at the 666th Plenary meeting of the General Assembly on 1 March 1957, and I repeated that statement when I spoke at the meeting of the Security Council on 24 May last. I wish to confirm today again in the most solemn terms that this is the position of the Government of Israel. Every interference with the freedom of navigation

in these waters is offensive action and an act of aggression against Israel, the infringement of the sovereign rights of all nations to the unimpeded use of this international waterway and a gross violation of international law.

There is today no controversy whatsoever over the international character of the waterway in question. For ten years now it has been used uninterruptedly, hundreds of thousands of tons of shipping with all their different cargoes and under many different flags including Israel's have freely passed to and fro.

I wish to recall, Mr. President that statements recognizing the international character of the Straits of Tiran and acknowledging that freedom of navigation for all countries is the rule there were made at the 666th, 667 and 668th Plenary meetings of the General Assembly in March 1957 by many countries, particularly those with important maritime interests, notably the U.S.A., Argentina, France, United Kingdom, Italy, Netherlands, New Zealand, Australia, Japan, Belgium, Canada, Norway, Sweden, Portugal, Iceland and Denmark, and others.

In response to the recent unilateral and arbitrary action of the Egyptian Government many more unambiguous and emphatic statements by these and other Governments, have been issued, not only in support of Israel's vital rights and interests in the Straits of Tiran and the Gulf of Aqaba, but also to uphold their own rights and interests and to safeguard the integrity of the law of the sea.

In face of the proclaimed lawlessness of the Egyptian Government, the assertion of these rights and the protection of the established law is a matter of supreme and urgent concern to each member of the international community.

In the light of this situation, the eviction of UNEF from its position at the entrance to the Straits, at Sharm el Sheikh, was not only an act of defiance of the will of the United Nations and a violation of Egypt's pledged word, but was the signal for the revival of belligerence after ten years of tranquility in the Gulf of Aqaba.

What, Mr. President, was the real role of UNEF? Its main tasks were in Sharm el Sheikh and in Gaza—to see to it that Egypt did not interfere with freedom of navigation, and to deter terrorists and marauders from crossing the borders of Israel. UNEF acquitted itself of these two tasks with distinction. Israel, along with all peace-loving nations pays tribute to the officers and men of the Force who have so faithfully carried out their strenuous mission for peace.

From what I have said it becomes obvious that a United Nations force has no tasks to fulfill in Israel. The entrance to the Gulf of Aqaba is not in Israel, and the marauders and infiltrators do not operate from Israel territory.

Mr. President, the proclaimed and practiced policy of belligerence so brazenly pursued by the Government of the United Arab Republic is the crux of the matter. This is the underlying cause for the present and other crisis situations in the Middle East.

This belligerence made an empty shell of the Armistice Agreement. The two central violations of the Egyptian Israel Armistice Agreement are the denial of free passage in the Suez Canal and the denial of free passage in Aqaba. In September 1951, the Security Council ruled that such belligerent practices and blockades cannot co-exist with the armistice regime.

While the United Nations ruled that belligerence is incompatible with the armistice regime, Egypt wants to use the armistice agreement and United Nations machinery as a cover for the continuation of that very belligerency which the Armistice Agreement was intended to end. This is the meaning of the innocent-looking sentence where the Secretary-General reports President Nasser's assurances that all that he wanted was "a return to the conditions prevailing prior to 1956". What were these conditions, Mr. President? Illegal blockade of the Suez Canal; armed incursions by organized gangs of Fedayeen; and illicit interference with the freedom of navigation through the Straits of Tiran. The Government of Israel will not permit a return to these conditions.

This is the real issue, and not the mixture of stale allegations and fictitious charges put forward by the representatives of the United Arab Republic. . . . The Representative of the U.A.R. has presented to the Council at length and in detail his version of the historical developments of the last twenty years. It was a fascinating exercise in fiction and diversion. Unfortunately, he forgot to mention one basic fact which determined the course of events to follow: On May 15, 1948, the Egyptian Army and those of other Arab states invaded the State of Israel with the avowed aim communicated to the Secretary-General of the United Nations to occupy the territory of Israel and to destroy its independence. This aggression, which was committed in flagrant violation of the charter and of General Assembly and Security Council resolutions, was resisted and defeated by the people of Israel.

It is this unsuccessful attempt to wipe out Israel which is the basic cause for the future developments. This Arab invasion of Israel was called at the time by the principal members of the Council by its true term: aggression. And all that followed is directly traced back to that aggression—and to that alone. If there is still any doubt, Colonel Nasser himself has dissipated the last vestiges of it and thrown off all pretence. In his speech before the Central Council of Arab Trade Unions on 26 May 1967 he revealed his true intentions—not new to Israel or to those who knew the realities of the Middle East, and shocking to those who believed that they were dealing with a responsible leader. This was his message:

"The Arab people want to fight.

"We have been waiting for the suitable day when we shall be completely ready since if we enter a battle with Israel we should be confident of victory and should take strong measures. We do not speak idly.

"We have lately felt that our strength is sufficient and that if we enter the battle with Israel we shall with God's help, be victorious. Therefore, we have now decided that I take real steps.

"UNEF stays as long as we wish and until we are ready. I have said at one time that within half an hour we can say to the UNEF: go. And this is what has really happened.

"The battle will be a full-scale one and our basic aim will be to destroy Israel."

Mr. Presidents, these threats do not need any interpretation. This is not the first time in our generation that we have seen to what lengths of folly dictators can go unless checked in time, and what disasters they can inflict on mankind, including their own people. Is it too late to hope that this organization, born out of the shambles of a dictator's madness, will rally in defense of its own principles and restrain President Nasser from the course on which he is set? The people of Israel, steeled in hardship and oppression, stand firm, resolute and united and will not shrink from defending their liberty and independence.

It is not too late for reason to prevail. The Government of Israel believes that four immediate steps should be taken in the present crisis:

(1) All inflammatory statements and threats against the territorial integrity and political independence of any state should cease.

(2) The Charter obligation of non-belligerence must be strictly complied with.

(3) The armed forces should be withdrawn to their positions as at the beginning of the month.

(4) All forms of armed incursions, acts of sabotage and terrorism should cease, and the Government concerned should take all steps to prevent their territory from being used for these hostile acts.

(5) In the Straits of Tiran and the Gulf of Aqaba there should be no interference with any shipping.

If these steps are taken promptly, the deep anxieties of the hour will be lifted and the present dangerous tensions will subside.

STATEMENT OF HON. ABRAHAM J. MULTER IN FAVOR OF REORGANIZATION OF DISTRICT OF COLUMBIA GOVERNMENT

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, on June 14, it was my privilege to testify before the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations in favor of the President's Reorganization Plan No. 3 of 1967 for the District of Columbia.

I know that all of our colleagues are in favor of making our Capital City a model for the country and the world. I therefore call their attention to my statement, which follows:

A MORE RESPONSIVE AND EFFICIENT GOVERNMENT FOR THE DISTRICT OF COLUMBIA

(Statement of Hon. Abraham J. Multer, Democrat, of New York, before Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, June 14, 1967)

Mr. Chairman: I very much appreciate the opportunity to appear before you this morning in support of Reorganization Plan No. 3 of 1967 submitted to us by the President on June 1st.

As you know, Reorganization Plan No. 3 is designed to provide the people of the District of Columbia with, in the words of President Johnson in his February 27th message on the Nation's Capital, "The most responsive and efficient government we are capable of providing."

In 1965 the House rejected—temporarily, I am sure—a bill to give true home rule to the District of Columbia. In its place it substituted a "Referendum" bill which never got to conference with the Senate. It was my privilege to be the sponsor of the Administration's Home Rule bill and to play a role in the attempt to enact it into law. I have supported home rule legislation since I came to the House in 1947.

We are not, however, here considering Home Rule, much as we may want it. That is within the jurisdiction of the District Committee. This committee does have jurisdiction over this Reorganization Plan and I will address myself to that.

The District of Columbia government needs an overhauling. It has needed it for too long.

The commission form of government is outmoded and today's urban problems demand a more efficient form of government. President Johnson is giving the people of Washington that opportunity in Reorganization Plan No. 3.

I have taken an active interest in city government all of my adult life. I have served as counsel to the Democratic Leader of the New York State Assembly devoting a large part of my service to New York City legislative problems. Prior to my election to Congress in 1947 I served as special counsel to the Mayor of New York City handling City Home Rule legislation that was requested from the State Legislature. For about twelve years I have been a member of the House Committee on the District of Columbia. During those years I have become acutely aware of the many deficiencies of the commission form of government we have here in Washington. It is no reflection upon those who have taken upon themselves the task of serving as Commissioners that this is true, since the system itself is at fault and only rarely those who administer it.

All of my experience leads me to the conclusion that I express to you—the District government badly needs reorganization and the plan before this Committee offers the best answer to that need.

This plan will put the responsibilities for executive leadership in the hands of one man who will be expected to exercise that leadership in the best interests of the people of Washington. He will be aided by a City Council made up of residents—those most familiar with the city's problems and most capable of dealing with those problems.

The plan in no way usurps the legislative responsibilities of either the House or Senate Committees on the District of Columbia.

This is not a substitute for home rule and I hope that no Member of the Congress will consider it as such. The people of the District of Columbia are still taxed without representation—a phrase which may have a familiar sound to the Members of the Committee—and they still have no voice in any way in the House or in the other body. This plan does not give that to them and no reorganization plan can do so. That can be initiated and accomplished only by the full legislative process.

The same is true as to any attempt to give the City of Washington an elected executive and/or an elected council or local legislature.

However, we must not let the situation in the District continue as it has since the 1870's when representative government was abolished. The Congress must allow this plan to take effect if there is to be any improvement in the situation.

There are those who suggest that the plan is in need of improvement or that it should be rejected in its entirety. This plan has been known to the Members of the Congress and the Members of the House District Committee since the President carefully outlined it in his message of February 27, 1967. At no time since, have I heard any reason which would merit rejection of the plan.

If the objective of some of my colleagues be to improve still further the government of the District of Columbia, that may be done by legislation which is and will remain the full province and opportunity of the Committee on the District of Columbia.

But the prospects for such legislative improvements are not encouraging. All the time I have served on the District Committee I have urged the strengthening of the District's government structure. The Committee has been many times to the well, but the District has never had a drink of water.

The lesson of our legislative history is that the detailed job of government reorganization must be done by means of a reorganization plan. This is what the Hoover Commission recommended and this is what the Congress directed in the Reorganization Act of 1949. I hope that Congress will allow this plan to go into effect.

I need not, I am sure, describe the plan to the Members of the Subcommittee. You have heard able supporting testimony from Members of your own Committee as well as your colleagues on the District Committee on both sides of the aisle. Better government is not, I am pleased to say, a partisan issue.

I do, however, wish to state briefly what I see as the strength of the proposed new structure for the District government.

It will—

Bring strong executive leadership and new esprit to the District government;

Replace the outmoded commission form of government with its divided leadership and closed and clouded lines of authority and responsibility;

Establish through the Council, official representation for citizens of the District in the making of rules, regulations and budgets of their local governments;

Increase the capacity of the District government to draw top personnel;

Give the District a strong representative for negotiations with other area governments and federal agencies;

Allow the President to search nationwide to head up the District government;

Give unified direction to government responses to urban problems, reduce overlapping and improve coordination of programs.

The plan is not a substitute for home rule. It will not bring elected government. This can only be done by legislation and I hope the District Committee will turn its heightened attention to that longstanding need.

In the interim, however, the District must have better government, better management and broader citizen participation. The plan provides all three.

Let me turn now to the opposition to this plan as posed by some of our colleagues.

Discussion of motives rarely accomplishes anything except to fray tempers.

Nevertheless, I dare say only because I believe it needs saying: The only reason for opposition to this plan is legislative pride of authorship and I deem it false pride. What else can account for the introduction of this plan as a bill which has been referred to the House District Committee?

Everyone, including all of the opponents who serve on that District Committee, agree that the District government needs reorganization.

Why, therefore, has not one of them, ever before June 5, 1967, introduced a bill to accomplish that?

How many more years of service on that committee will they need to study the problem?

How many more years do they need to study this plan?

We have heard from the sponsor of the bill embracing this plan word for word, that the plan needs improvement. He says he cannot make any specific suggestion as to how or in what respects until he studies it some more. I would think that introduction of a bill in a Member's name is a certification by that Member that he knows its contents and that he sponsors its provisions.

He says that if the plan becomes effective under its terms, turmoil will result. He gives us no intimation of how such turmoil can be avoided if his bill or any other reorganization plan becomes effective.

He tells us that a recommendation has been made as to reorganization which can be accomplished by the District Commissioners, without Presidential or Congressional action.

He overlooks the obvious. Good or bad, the District Commissioners have no intention of following that route. They are supporting this plan. Furthermore, the three District Commissioners cannot replace themselves with one Commissioner, nor can they provide for a council as called for by this plan.

Opponents of the plan say they do not like an appointed council and that an elected council is better. They refuse, however, to commit themselves to introduce or support a bill for an elected council.

They quibble about the council being bipartisan or non-partisan, but refuse to indicate how the matter should be handled.

They argue about residence requirements of the Commissioner, but will not say what they should be.

No one says it, but I ask how many of the opponents of this plan are concerned about the racial complexion of the Commissioner and of the Members of the Council.

Are they afraid that the non-white residents of this community will prove their loyalty, competence and integrity in government?

The argument that the law does not permit reorganization by this method falls of its own weight when we read the statute which specifically and in so many words permits it.

This plan scrupulously adheres to and stays within the four corners of the statute.

It does not add to or take away any authority or power heretofore vested in the District government by legislative enactment.

Moreover, there is no impairment nor impediment of the privilege, power and right of the Congress to change any thereof.

Permit me to briefly outline the history of this plan so that the Congress may properly evaluate the opposition to this plan.

On February 27, 1967, the President, in a message to Congress, outlined this plan. Almost immediately thereafter the House District Committee was convened in executive session with a view to adopting a resolution opposing the plan on the ground that it would invade that Committee's jurisdiction.

I urged that the Committee immediately proceed to acquire jurisdiction by introducing legislation and conducting hearings to accomplish the reorganization.

No such action was taken.

The President did his utmost to get the best advice available on what should be in and what should be omitted from this plan.

Every Member of the District Committees of both bodies of Congress was given every possible opportunity to make suggestions to improve this plan. There was full and frank discussion of every facet and fair consideration given to all thereof.

Every Member of the House District Committee received a draft of the plan with several alternate provisions covering those matters as to which a difference of opinion had been expressed. We were requested to indicate our preferences as to those items as well as any other ideas we wished to express.

It was only after the expiration of a reasonable time thereafter that the President sent us this plan.

We then spent two more days in informal executive session of the House District Committee to review the plan in detail.

It is my very considered opinion that not a single valid objection was developed to any part of this plan.

It was made clear that the legislative jurisdiction of the District Committees and of the Congress were neither being trespassed upon, invaded, nor prejudiced in any manner whatsoever.

The Committees were and are free to recommend any bills they see fit to add to, take away from or change any part of this reorganization in advance of it becoming effective, simultaneously therewith or at any time thereafter.

I urge that the plan be approved and that this Committee recommend against passage of any disapproving resolution.

Again, I thank you for the opportunity to present my views to you.

THE KENNEDY ROUND

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may ex-

tend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DENT. Mr. Speaker, while the details of the Kennedy round results are not yet available, enough is known to greet it as a time bomb loosed against the American economy. It is the product of a doctrine that fits the modern competitive realities of American industry and agriculture in world markets about as well as a tintype fits the modern camera.

After the shouting and the huzzahs die down these realities will rise from the fog and economic facts of a stubborn kind will stare us in the face. The need for protective devices will not be reduced but will grow.

As the tariff disappears as a safeguard other devices will take its place. Nontariff trade barriers will assume greater importance. International negotiations as twisted and tortured as was the Kennedy round do not change the facts of economic relations. The United States is competitively weak even under the existing tariff levels. It is weak in the face of imports. It is weak in foreign markets.

Some other countries are also competitively weak vis a vis yet other countries in varying degrees. They will not hesitate to do what they regard as necessary to safeguard their industries and agriculture. It would be living in dreamland to believe the contrary.

This country lost heavily in the Kennedy round. Its dependence for protection aside from a few agricultural products rested almost wholly on the tariff. This is not true of other countries. The tariff was the lesser of their protective devices. We are in the position of disarming ourselves of the predominant weapon in our arsenal. The other countries merely give up one of many pieces in their arsenal.

The inevitable demand in this country in the future will be for the greater use of nontariff barriers.

The overwhelming factor in our international trade resides in our high level of wages on which our economy depends for moving the vast volume of goods turned out by our industry and agriculture. The technological lead over other countries that in the past made it possible to maintain our insular economic position in a world of much lower wages is disappearing, contrary to the complaint of other countries about the brain drain to the United States. Competitively these high wages are an export liability and a handicap in the face of imports, much as our economy at home depends on them.

Scores of industries important to our economy already face a deteriorating competitive outlook in foreign trade. With present tariff levels coming down 10 percent each year for 5 years, the outlook will be bleaker yet. The flight of capital overseas will be accelerated.

Imports of manufactured goods, already a menace to many industries, will find our market an increasingly easy mark. Labor will feel the impact sharply.

This is the situation. The early praises of the Kennedy round will fade away in years ahead as the disenchantment sets in.

KENNEDY ROUND—A DECLARATION OF WAR

When the President of the United States signs the Kennedy round agreements—and he will sign them, no matter what is in them—he will be ordering the indiscriminate bombing raids upon the U.S. enterprise system.

The free enterprise system is based upon equipment, employment, distribution, and consumption.

The Geneva agreements make it possible for trade cartels based upon foreign shores to destroy the U.S. economy legally and legitimately and the casualties aside from the shareholders of domestic domiciled industries, production and service employment, will be even more so, the communities of America.

However, this is supposed to be beneficial to our economy according to the views of our trade negotiators and the import-export alliance. Let us see what the Geneva crowd believes in this regard. "If you are in municipal government, think how this savings can be reflected in local projects such as new buildings, road improvements and sewer and water pipe systems. If you are a manufacturer, look at the savings you get through imported steel and what this can mean for your profits and the future of your company."

Not only is it healthy for our communities to become ghost towns, but it is also beneficial to the American manufacturers according to the Geneva crowd. Here is what is advised for U.S. industry, "Save money by foreign steel imports."

This is the Geneva agreement. It may sound oversimplified, but there is no oversimplification in what the results will be.

In spite of the hoopla, propaganda, and rosy promises, this agreement at this time spells death and destruction to hundreds of small industrial entities and hundreds of thousands of U.S. jobs.

Balancing our payments by buying from foreign factories and farms will be contrary to the cold unrelenting rules of the economics of production, distribution, and consumption.

We cannot subsidize every export and yet the only volume exports we have are subsidized. Many foreign governments do subsidize exports, however, they make up in their internal economy by using the Yankee dollar as a rubberband around the everchanging values of their own local currency.

For instance, every time a Canadian sells $100 worth of products for U.S. dollars he picks up $8 extra in Canadian currency. When a U.S. automaker sends a Canadian-made Ford car to the United States selling for $3,000—United States—he charges himself $3,240 Canadian and when he sends a U.S. $3,000 Ford to Canada it costs the Canadian buyer $3,240—Canadian.

I wonder if our Geneva trade experts ever had to sell a product carrying an 8-percent handicap let alone the extra cost of production mandated by Congress by way of fair labor standards, taxes, and our diplomatic free lunch counter.

I include the following letters:

PITTSBURGH, PA.,
May 20, 1967.

Hon. JOHN H. DENT,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: Some years ago when you told me that you thought your fight for protective tariffs might hurt you politically, I expresed my opinion that eventually the majority of your constituents would understand you were fighting fairly and vigorously for their best interests. In the recent national election and in the recent congressional hearings on tariff protection, there is evidence that your good work is being recognized.

Recent decisions by the U.S. Supreme Court have raised new barriers against business mergers of three kinds: horizontal, vertical, and conglomerate. What kind of merger remains? Merger decisions are no longer in the hands of industrial leaders, but are permitted or forbidden by bureaucrats whose decisions may be voided by the Federal Trade Commission or the Department of Justice. In contrast to our Administration's attitude toward mergers, other industrial countries' leaders are advocating mergers as the principal method of meeting competition from successful U.S. industries. The Confederation of British Industry, through its Director-General John Davies, is advocating more mergers, both in Britain and in the United States. General de Gaulle is urging mergers and offering subsidies, as a result of which the two largest (and formerly competing) French producers of aluminum have just agreed to merge. In the first eight months of 1966, 1600 business mergers took place in France; Sweden reports that two-thirds of the companies listed on the Stockholm Stock Exchange were involved in mergers within the last year, and notes that most of the mergers were between competing companies!

Our citizens are almost wholly unaware of what agreements may be entered into in Geneva in connection with the GATT agreement. This week I talked with several individuals who are very heavily involved in the textile industry and they are well aware of the fact that when the agreements are completed their companies may be unable to continue in business. You know our steel industry from the ground up, and you know how hopeless their case will be if their foreign low-wage, state-subsidized competitors are given any more advantages; our steel industry will suffer severe losses in employment, in their stock market standing, and in their ability to secure funds for replacement, as well as for expansion and further modernization of their facilities.

Never in my long life do I remember of any time when there were so many civil disturbances and so many international disputes which threaten us with another world war. How can our country defend itself if we are unable to produce steel and textiles for military purposes, and how could we import these requirements from other countries with our former ocean transport capacity so seriously reduced? You are more familiar with such problems than I am, and I hope you will be able to persuade the members of Congress that we must defend our industries and commerce from any further deterioration or our domestic economy will be ruined.

With congratulations on the recognition which you are receiving, and best wishes for your continued success, I remain,

Respectfully yours,

WILLARD F. ROCKWELL.

JUNE 14, 1967.

Col. W. F. ROCKWELL,
Pittsburgh, Pa.

DEAR COLONEL: I must admit I enjoyed your letter aside from your undeserved com-

pliments, the contents is a true presentation of the simple facts of our ill-fated venture into the jungle of foreign relations using our U.S. economic system as a bait.

I attended a glove convention last week and reminded the group that when I spoke to them five years ago I warned, a then healthy industry, of the dangers in the Kennedy five year Trade Extension Act. I said, "you were healthy, I trouble for you, you're sick now and in five years if you invite me back you'll be holding a wake not a convention." I meant it. Too many U.S. industries including steel, aviation, agriculture and a few more were so sure that what happened to the clothespin maker, the shoe and glove makers, glass, ceramics, coal and others could not happen to them; they were too big, too powerful and in "too well" with the political powers.

They have learned and have more to learn. Their twilight years are upon them and unless they join hands and come up with a few answers for survival the long nite of bankruptcy faces many of them.

I try to be calm, but in the face of the evident truths of our Kennedy Round sellout, how can any American remain complacent. I pray I am wrong. I would be glad to give up my seat in Congress and admit I am the most ignorant trade "expert" in the U.S. if it would help, but you can't close your eyes to reality. No high waged high cost economy can survive in a free trade war with competitors having everything plus cheap wages and near slave working conditions.

I am afraid Willard, that we have engineered the greatest self destroying compact in the history of international trade. We are displaying political and tyrannical colonialism with economic colonialism.

This is the perfect out for those amongst us who have fought the free movements of labor, the restrictive covenants of Government and custom against child labor, sweat shops, the company owned police forces and slave wages.

We have closed our doors at home to the exploiters, the monopolists, the profiteers and opened up the whole emerging world of poor underprivileged peoples to this scourge of civilization, from this and other countries.

They will leave in their wake about the same benefits that a swarm of locusts leaves in a wheat field. Only trouble, arguments, bitterness and eventually war can follow in their footsteps.

I attach a copy of what I believe the Kennedy Round does "for" the U.S. enterprise system.

With kindest personal regards, I am,

Sincerely yours,

JOHN H. DENT.

FRANK WHISTON REELECTED AS PRESIDENT OF CHICAGO BOARD OF EDUCATION

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Friday, June 16, Mr. Frank M. Whiston was reelected to his fourth consecutive 1-year term as president of the Chicago Board of Education.

His reelection is a well-deserved tribute to his outstanding work in the field of education, and it gives me great pleasure to extend my heartiest congratulations to him.

Mr. Whiston has contributed his efforts and his talents, without compensation, for more than 16 years to the cause of learning for the schoolchildren of Chicago. He has always served with distinction, and he has earned the highest respect and admiration of his fellow citizens for his ability and his integrity.

Those who have the good fortune of knowing Frank have the rare privilege of knowing a generous and humble man totally dedicated to public services. His educational efforts over the years represent a tremendous contribution on his part both to the parents and to the schoolchildren of our great city of Chicago.

I am delighted therefore, to join his host of friends in wishing him continuing success in his fourth term as president of the Board of Education of the city of Chicago, and to include, at this point in the CONGRESSIONAL RECORD, an editorial from the Sunday, June 18, edition of Chicago's American, voicing approval of his reelection. The editorial follows:

WHISTON'S REELECTION

Frank M. Whiston didn't campaign for president of the Chicago board of education, but he was elected Friday to his fourth consecutive one-year term. This was a victory for the city rather than for Whiston.

Our admiration for Whiston, a 72-year-old real estate executive, has grown with his willingness to take on the world's toughest unpaid civic job for another year. It will be his 20th year on the board, and evidently his last. This year Mayor Daley and the board are to seek another president whose qualities can match his. The job won't be easy.

Whiston has been a patient, tireless worker who has guided the board and the entire school system thru some of its most trying times. He has been an exceptionally effective mediator, a brilliant administrator and a strong leader.

By this time next year, Whiston will have given the city and the school board more than they would have a right to ask of anyone. His willingness to give makes the contribution even more valuable.

CONGRESSMAN FRANK ANNUNZIO WOULD PLUG TAX LOOPHOLES TO AVOID HUGE FEDERAL DEFICIT WITHOUT INCOME TAX RATE INCREASE AND CUTBACKS IN HUMAN RESOURCES PROGRAMS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, our financial and capital markets are facing the frightful prospect of financing $20 billion of additional Treasury borrowings during 1967. There is a serious question that our money markets can actually handle demands of this magnitude. We are faced with ever-rising budget deficits because of the high cost of the Vietnam war. These deficits must be financed. Furthermore, the borrowings of State and local governments to finance needed public projects, plus the demands of the private sector such as long-term corporate financing, also must be met.

It may very well be that satisfying all of these demands may be asking too much of our capital formation capacities. It is not unlikely, therefore, that later this year as these demands are made upon the money markets, we may be confronted with the same panic conditions found in Wall Street last August and September unless something is done. In such a case, interest rates will again soar to new record levels, the liquidity of our financial institutions will be at the vanishing point, and the housing market will once again be starved for funds and utterly demoralized.

Mr. Speaker, we must finally face up to the fact that ours is a wartime and not a peacetime economy. I am not suggesting wage and price control, rationing, and all of that, but I am suggesting a properly coordinated fiscal and monetary program.

Our main problem at this particular point is that we are not exercising adequate and proper management of our economic machine. As greater and greater demands are made upon our productive capacities both in terms of materiel and finance, the strains of operating a wartime economy with "business as usual" peacetime policies may prove disastrous. We must realize that we can no longer be at war in a military sense abroad and at peace in an economic sense at home.

Now back to the $20 billion of Government financing during 1967. Without a doubt, if the Government expects a deficit approaching $20 billion in fiscal year 1968 by spending that much more than it takes in, this might prove highly inflationary unless the monetary authorities clamp down hard on the supply of new money. But if the Federal Reserve decides it must tighten up on monetary growth and reduce demand to prevent price increases, then it will be extremely difficult, if not impossible, to finance a $20 billion deficit without demoralizing our money, capital, and mortgage markets and causing a genuine money panic just as we had last August–September.

I am suggesting, therefore, not that a tax increase is necessary to reduce a large deficit, or to keep interest rates low or to dampen inflationary pressures. I am suggesting instead that increased revenues are necessary to prevent economic chaos, given the demands upon our economy by the Vietnam war.

Also, with increased revenues, we can press forward our vital programs of human resource development at home while supporting the military effort in Vietnam. Certainly we should not cut vital nondefense spending any more than we should cut vital defense expenditures.

However, let us assume that we use our money creation powers to meet the huge demands of the Government for new borrowings. For instance, by massive Federal Reserve purchases of long-term Government bonds, market yields on presently outstanding issues could be brought below the statutory 4¼-percent ceiling so that the Treasury could float a large amount of long-term bonds at a low rate of interest. Sales of short-term

securities would reduce the inflationary side effects of such massive bond purchases. By lengthening the average maturity of the national debt the congestion in the short-term market we have recently experienced would evaporate. Rollovers of maturing issues would be less frequent and debt management not only would be less expensive but less disruptive of our capital markets and less inflationary as well.

But, experience has taught us not to rely too heavily upon the monetary authorities, because monetary policy is not precise, nor predictable, nor flexible, nor equitable. Recent bond purchases by the Fed do not necessarily indicate a new basic policy but instead may be only a temporary, limited move toward slightly more ease in bond yields and more firmness in bill and note yields. Certainly one cannot attribute to the purchase of $100 or $200 millions of bonds an intention to bring market yields down within the 4¼-percent rate ceiling to permit large scale long-term Treasury financing.

And even assuming the uncertain cooperation of the Federal Reserve to fully commit the Nation's monetary powers to finance the Vietnam struggle with a minimum of expense and money market disruption, is such a course the best course? Put another way, is borrowing to finance a wartime deficit better public policy than tax revenues to prevent that deficit, even though the borrowing can be accomplished at rockbottom interest costs, without market disturbances or an inflationary impact? I think not.

Is it not more equitable, as well as good economics, to use fiscal policy to finance public expenditures as full employment is approached? Is not the only time when a substantial budgetary deficit—either in the national incomes account budget or otherwise—becomes desirable is where there is substantial unemployment and insufficient demand for goods and services? This is certainly not the situation facing our policymakers today, is it my colleagues?

Does not equity and efficiency require the far more precise, predictable and effective taxation method to achieve our policy goals rather than massive borrowings, endless bond flotations and an exploding national debt along with a high-interest burden and a deprived domestic sector? Are not we expecting too much of monetary policy to finance the Vietnam war at reasonable rates of interest without inflation and without undue demands upon our capital markets? Gentlemen, we are asking the impossible. Let us face facts; let us act immediately to put this war on a pay-as-you-go basis and remove the threat of financial panic from the economic scene, at the same time helping the less fortunate members of our society stand on their own feet.

We financed only 25 percent of the cost of World War II by taxation. This is not an enviable record. War should be made unprofitable to all, not just a few. Neither should it be inflationary. So what is the best method to handle a threatened deficit requiring raising a quick $20 billion?

My suggestion is simple. Why borrow the money at interest for future generations to pay? Cannot we find a more fair and equitable and less inflationary means to raise the $20 billion? Cannot we even reduce the need for borrowings altogether merely by eliminating wartime budget deficits? Certainly we can, simply by greater tax revenues. Since it is more equitable and more efficient to use fiscal instead of monetary weapons, then is the 6-percent surtax the route to take? My answer to that, gentlemen, is a firm "No."

Not only is the surtax in part a regressive tax, burdening the lower and middle income earners more than the wealthy, but it also avoids a long neglected and vital public policy question. Who will deny the equity, efficiency and, most of all, the prudence of putting our finances on a wartime footing at once, at the same time plugging tax loopholes? Increased revenues from tax reforms are without question fairer and more defensible than imposing a 6-percent tax surcharge on all our citizens.

The additional annual revenues received can finance the war, avoid deficits, avoid inflation, avoid money market disturbances, and high-interest rates. These revenues would be a godsend to the poor, the ignorant and the handicapped. Is it not high time, colleagues, that we set about living up to the pledge we made to the American public in enacting the 1964 tax reduction amendments that tax reform would soon follow? May I suggest that the municipal and industrial revenue bond racket, the oil and mineral depletion allowance scandal, tax exempt foundation abuses, and other tax gimmicks and special privilege loopholes once and for all be removed from our tax laws?

If we act with courage and determination we can finance this war without the 6-percent surtax, or any tax rate increase at all, and without massive Treasury borrowings which push the national debt closer and closer to $400 billion and debt interest costs to $20 billion a year, squeezing out human programs from receiving the increased financial support they deserve. Needless to say, if my advice is followed, it will be wholly unnecessary to increase the debt limit.

But whatever route we take, the more equitable or the less equitable, the die must soon be cast because we are running out of time, and failure to be prepared will be catastrophic. I fervently hope that administration policymakers will heed my words.

URBAN GOVERNMENT EXPERTS PRAISE PRESIDENT'S DISTRICT OF COLUMBIA REORGANIZATION PLAN

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, the President's reorganization proposal for the government of the District of Columbia has received much comment. Unfortunately, much of the comment has not dealt with the substance of the reorganization plan.

The most thorough study of the reorganization plan has been written by Dr. Royce Hanson and Mr. Henry Bain, the president and senior associate, respectively, of the Washington Center for Metropolitan Studies. The Washington center is a research organization which studies problems of the Washington metropolitan area.

Dr. Hanson and Mr. Bain are knowledgable about the effectiveness of the present District of Columbia government, and aware of what needs to be done to improve that government. Their analysis is a careful, objective statement.

They urge that the reorganization plan not be oversold, and that there is much that it fails to do. However, their overall conclusion is that the plan should be supported. To quote from their conclusion:

> On balance, it would appear that the Reorganization Plan constitutes a substantial improvement in the government of the District of Columbia. From the point of view of the Congress, it should provide a far more effective administration of the laws and policies set by the national legislature for the Federal city.

I include their analysis as a part of the RECORD:

THE COMMISSIONER AND THE COUNCIL

(An analysis of the President's reorganization plan for the government of the District of Columbia, by Royce Hanson and Henry Bain)

FOREWORD

On June 8, 1967, the Washington Center for Metropolitan Studies conducted a seminar on the President's Reorganization Plan No. 3 of 1967: "To Provide a Better Government for the Citizens of the Nation's Capital." This paper, presented at the seminar, is the first in a projected series on the governmental problems of the Washington metropolitan area.

The authors have tried to do three things: (1) To provide a general framework and national perspective within which to assess the Reorganization Plan; (2) To describe the most salient features of the plan and evaluate their probable impact on the governance of the District of Columbia; and (3) To discuss some implications of the plan.

It is our hope that this report will assist citizens and public officials concerned with this proposal to understand more fully its significance for the city.

I. THE CHANGING REQUIREMENTS OF URBAN GOVERNMENT

From routine administration to the complexities of today

Urban government in recent years has undergone a profound change in approach. Not long ago, the functions of urban government were assumed to be routine in nature, requiring simply honesty, efficiency, and economy. The decisions to be made by city officials were regarded as technical rather than political, and it was often asserted that there is no Democratic or Republican way to build a sewer or pave a street.

But the key problems of urban government today are not routine. Some, such as the problems of civil rights, are very dramatic. Many, such as poverty, are also quite complex and frequently require involved organizational relationships. Today's urban issues involve intensely debated social and political questions. The organizational problems that are associated with mounting a

successful attack on crime and violence reach far beyond administration of the police department. Difficult economic problems are encountered in formulating a viable housing program. A youth services program raises a multitude of complex issues, ranging from problems of mental health and social psychology through the problems of law enforcement machinery and administration of the courts. Within the past year the Model Cities program has underscored the need to find mechanisms to mobilize almost all of the resources of the city, public and private, and to concentrate them on particular areas of the city. None of these are routine problems. They are not the kind of problems that can be neatly subdivided into line departments over which apolitical administrators can be placed and told to go out and do good to the citizens and to the city. They are problems that require high level decisions and a great deal of organizational sophistication. To meet these kinds of problems, urban governments increasingly have recognized that they must posssess a governmental system that has certain attributes which the traditional systems have not had.

The need for leadership

One of these attributes is leadership—political leadership, executive leadership, and administrative leadership. One of the functions of political leadership is to synthesize the "community interest"; to provide some point, some person, who has as his function stating the interest of the community and attempting to persuade his and other communities that their interests coincide.

Executive leadership essentially involves the initiation of public policy. This role carries with it the need for all the staff support and organizational authority necessary in a complex and technological age to develop policy suggestions that are feasible and practical. And administrative leadership involves organizational and program direction, including the ability to find, recruit, inspire and lead a staff, and the ability to control its activities.

The problem of responsibility

With leadership comes the requirement for responsibility, because with leadership comes power. There needs to be, in a modern city, a focal point for the political oversight of those who are making the decisions, and there needs to be a focus for the people of the community, to which they can apply pressure in order to obtain responses to their needs.

Program management

Effective program management is clearly implied by all the urban problems that were mentioned above; especially for new programs such as Model Cities and antipoverty, crime control, and youth services. Fiscal policy is increasingly becoming the basic managerial tool through which many of the other policies of the city can be pursued. And adequate fiscal control requires a highly developed system of program management in a unified administrative system.

Intergovernmental representation

One of the new attributes of urban government is the provision of intergovernmental representation. This means that someone in the city has to be responsible for negotiating with regional agencies, with other governments in the region, with federal agencies for the city's fair share of whatever federal program grants are available, and with Congress, Congressional Committees, and staffs in order to obtain recognition of that city's interests on Capitol Hill. (Most of these needs are exacerbated by the condition of the District of Columbia.)

Representation of interests

Finally, there is the problem of representation of the various interests or groups which exist within the city itself. Not only must diverse interests be represented, but the modern city requires some political system that makes it possible to manage the inevitable conflict among various groups and interests that compose the city. With the ability to manage conflict comes the need to legitimatize the decisions that finally are made so that those who are affected by them can accede to them, if not gracefully, at least in the understanding that they were made properly.

Modern management requirement

In 1953, the State of New York established a temporary commission for the purpose of improving and strengthening the structure of government in the City of New York. The commission reported that—

"As social and economic units, the great metropolitan centers of the country have outgrown the organization of their governments. Governmental structures designed for a different day and a different set of problems have proved inadequate to meet the demands of a population that has multiplied rapidly and spread far beyond the borders of the original cities. Constitutional and other legal strictures imposed in a predominantly rural era restrict the ability of the cities to respond effectively to new conditions. Administrative machinery designed to serve a relatively small community has been patched and repaired and expanded piecemeal to perform many new services for a population that expects a great deal in the way of welfare and service activities. Consequently, throughout the country, the large cities have been in varying states of crisis and in various stages of response to the crisis."

The Commission recommended a full reorganization of the city government, strengthening the mayor's office, and a centralization of the direction of government in the office of the mayor.

When John Lindsay was elected mayor in 1965, he established a new task force to look at the structure of government, and his task force said:

"If a modern city is to be governable it must possess three crucial assets:

"1. The will to act;

"2. The necessary human and monetary resources; and

"3. The administrative machinery to bring the first two assets to bear on its problems.

"The increasing complexity of modern urban problems calls for more imaginative and creative development of policies, and this in turn requires more sophisticated tools of government to formulate and execute those policies in a coordinated, effective manner."

Similar comments have been made by urban study commissions throughout the country, and by the Committee for Economic Development in its recent report on modernizing urban government.

These, then, are the attributes we now see as required in a modern urban government. How have cities responded?

II. A NATIONAL PERSPECTIVE ON TRENDS IN URBAN GOVERNMENT

We can better understand the Reorganization Plan and all of its implications if we look at it in the perspective of the national trends in the top-level organization of government in the larger cities. Three trends are worthy of special attention.

The trend toward home rule

First, there is certainly a trend, indeed a drive by the cities, toward a greater degree of home rule. In the District of Columbia, home rule means two things. Uniquely here, it means electing the city's governing officials. But it also means, not uniquely but in common with many other cities, giving the local government a broad grant of power to conduct the business of the city and to meet the needs of the people, without requiring local officials to go to the next higher level of government every time they want to pass a new kind of ordinance, to borrow some money, to reorganize the municipal departments, or to perform any of a host of other governmental acts. In Washington, that next higher level of government is the Federal government, while of course everywhere else it is in the state.

While Washington has less home rule than any other American city, there are many other cities whose top officials are seriously handicapped by having to work within a very limited grant of municipal powers and to seek piecemeal extensions of those powers from an unsympathetic state legislature. They often find themselves frustrated by an alliance of rural and small town legislators with those interests in the city that are hostile to a more vigorous local government. When seen in this perspective, the status of Washington's local government may not be quite as unique as we sometimes think. For an example of another city that suffers from a limited grant of home rule, we can look to the largest of all American cities New York, and note the difficulties under which its progressive mayor, John V. Lindsay, works, because of the need constantly to go to Albany to secure additional powers needed to govern that most difficult of all cities, or to fight off restraints proposed at Albany.

Nevertheless, there is a clearly discernible trend toward the granting of more home rule to the cities. In some states this has taken the form of statewide municipal home rule legislation, while in some of the largest cities, it is to be seen in the terms of new city charters.

The trend toward separation of executive and legislative functions

There is also a trend toward the separation of the executive and legislative functions, just as these are separated in the Federal and the state governments; and the transfer of executive functions from a commission or council to a single chief executive. This is a very clear trend. It is true that there is a steady increase in the number of municipalities that have the council-manager form of government, in which the city council is the executive as well as the legislative body and the manager is limited to purely administrative functions. But this is simply due to the fact that the number of municipalities is increasing, and almost all of the new cities and towns are small ones, for which the council-manager form of government is perhaps most appropriate. The other form of city government in which there is no chief executive is the so-called commission form, in which the executive functions are not only vested in the legislative body, but responsibility for the management of the several city departments is divided among the commission members. This form of government has been in ill repute for close to half a century, and is well along on the road to extinction, especially in the larger cities.

The trend toward unified city governments

Finally, there is a trend toward a more unified city government, in which the mayor and the council, acting as the executive and legislative branches of government, have full charge of almost all of the functions and agencies of local government, rather than having to contend with a host of independent or quasi-independent boards and commissions. This is quite a change from the old days when even such a function as law enforcement, for example, was often vested in a board of police commissioners. That is rare now, but a few functions are still generally separate.

The local judiciary, of course, is independent in our system of separation of powers. In some states, a few executive functions are vested in judges, but the trend is probably away from this sort of thing. The public school system is almost universally organized separately. In many cities, the planning

function, public housing, urban renewal, and a few other functions are in the hands of quasi-independent public agencies. But, across the country we can see a trend away from the independent park boards, library boards, and sanitary commissions, and toward placing these functions in the main stream of city government.

As we examine the President's Reorganization Plan, it will be instructive to note how far it takes us along the road indicated by these three trends, all of which are generally regarded as desirable by students of municipal government, and also to note what parts of the task of organizational reform are still left untouched by this plan.

III. HOW THE DISTRICT OF COLUMBIA IS PRESENTLY GOVERNED

From this general discussion of attributes that are beginning to emerge in local government, and the national trends in urban governmental organizations, we now move to a brief description of some of the principal characteristics of the present system of government in the District of Columbia. One could argue forcibly that if the present system works well, then there is no particular reason for reorganizing it. On the other hand, if it seems to have some inherent difficulties, then there is probably a need for reorganization. Then the central question remaining will be whether the organization proposed by the President is appropriate to meet the problems that have been identified.

Lack of a general government

First of all, the District of Columbia has, as a matter of fact, no general government. Rather, it is governed by several groups of agencies, some local and some federal. There is no single head of local government in the District of Columbia. The Board of Commissioners is the most prominent of the several governmental groups involved in the affairs of the city. The Commissioners have ordinance powers as a board, and the Engineer Commission has some duties which are assigned specifically to him by statutes, such as representation of the city on the National Capital Planning Commission.

The Engineer Commissioner

The key to the longevity of the commissioner system in Washington, as contrasted with its demise in all of the other major cities of the country, is the office of Engineer Commissioner. Its functions have grown substantially since 1874 when it was first established. The District of Columbia budget indicates that about half of all of the money spent by the District Commissioners is spent by departments directly supervised by the Engineer Commissioner. One former Commissioner, commenting on this unique office, said that District government is not divided into thirds, but into sixths, with the Engineer Commissioner having four-sixths and each of the two civilians having one-sixth of the government.

The Engineer Commissioners as a group have been very effective in dealing with their area of supervision. Most of them concede, however, that their area of least effectiveness is in those fields that require particularly intensive community relations. It should be observed that these are increasing in number.

Effect of the Engineer Commissioner on the system

The existence of the Engineer Commissioner assures that a third of the Board is driven toward insulation from the rest. The Engineer Commissioner, based on his background and position, is in a different career hierarchy, and in no position really to intrude into the areas of social policy. There has been some change in this lately, but, as a general matter, Engineer Commissioners tend not to involve themselves deeply and intimately in social problems of the city.

By the same token the two civilian Commissioners are in a poor position to intrude into the Public Works domain of the Engineer Commissioner, whatever the implications of public works projects for areas which they may supervise, because after all, the engineer is the expert on the board. In practice, this prevents the Commission as a whole from functioning as a whole body, to review and develop general policy for the entire government, either in setting priorities, or in developing and maintaining central management and central management control.

The civilian commissioners

The two civilian commissioners normally come from a relatively narrow segment of the community, especially if they are compared with the breadth of constituency or clientele support that an elected municipal executive, or even an elected commissioner might have. Thus, with only two commissioners to choose in a no-election system the kinds of interest that it is possible to represent in the city government are consequently rather severely restricted.

There is also serious damage done by a political process which makes it virtually impossible for people to aspire to be Commissioner of the District of Columbia. Recruiting commissioners for the present system is difficult. In the past few years few have actively sought the job. Some appointees have been virtually dragooned into serving as a District Commissioner. The job, by nearly uniform account, is one to which men do not aspire, in part because there is virtually no way to aspire to it. There is no process in the city which helps train men and women to assume the top job at some point, because there are no other important political offices or roles in local government. More so than other cities, the District of Columbia is governed by chance.

The Commissioners are responsible to the President. They are also responsible, at least politically, to the Congress. They are morally responsible to the city. And they are organizationally responsible for and to the bureaucracies which they supervise. The District Commissioners are among the lowest forms of political life in the United States. This can be said without reflection on the able men who have held these frustrating posts. It is simply a structural circumstance resulting from the requirement that they confront Congress without a constituency, and without really being a part of the President's administration. In some instances they lack the ability to speak for the government that they attempt to represent. They are not as strong as a mayor in speaking for his city, nor are they as strong as a manager normally is when speaking for his city, for it can be assumed that having been hired by the council he speaks with the authority and support of the council.

No one speaks for the whole city

The upshot of the system is that there is no one to speak for the city as a whole or even for all the agencies of the District of Columbia government. And even with full presidential backing and the strong support of groups in the city, the Commissioners are not organized in a manner to determine effectively the interests of the city or espouse them. The Commission system here has most of the classic agonies of the commissioner system, plus a few additional ones of its own produced by the absence of elections and the institution of the Engineer Commissioner.

Specialization and diffusion

The Commissioners were virtually untouched by the Reorganization Plan of 1952 which did a great deal in reorganizing District of Columbia agencies and established the Department of General Administration. They still tend to specialize in segments of the government and do not interfere in the segments of the other commissioners. And some functions, such as schools, libraries and recreation are, at least, quasi-independently administered if not thoroughly independently administered. In addition, there are a number of Federal special purpose agencies, such as the National Capital Planning Commission, The Redevelopment Land Agency, and the National Capital Housing Authority, which are organizationally, and in some instances, financially, independent of the commissioners.

To increase the difficulties of diffusion, the civilian commissioners have not been equipped with the necessary supportive staff to supervise their own segments of the government.

Another point that is very instructive is that compared with political leadership in other local governments of the country, turnover at the top is very frequent in the District of Columbia. Public Works leadership changes automatically every three years, and it is rare for a civilian commissioner to serve longer than six years. Normally, both mayors and professional public works directors serve substantially longer than that.

The President of the Board

The President of the Board of Commissioners is not really first among equals. He traditionally heads the public safety departments because these departments tended to run themselves, leaving him free for many of the ceremonial functions of his office. The person who assumes the Presidency of the Board may find that he then has less administrative power in District government than before he became President of the Board of Commissioners, because he has a narrower range of direct supervisorial power than he had before, and a more restricted operational jurisdiction. The President of the Board, for instance, cannot direct the Department of General Administration or the Corporation Counsel independently of the Board. He may not assign duties to the other Commissioners without their consent. He has no staff assistant on matters over which the entire Board has control, such as the Office of Urban Renewal. He can speak in a limited fashion for the Board in regional affairs, but in practice the Engineer Commissioner has been more potent in regional affairs because his office has more to offer in terms of regional resources—particularly in highways and sewers. The Department of General Administration and the Corporation Counsel are under the whole Board but do not work for specific members of it. For many years the Corporation Counsel's office was a sort of independent regulatory force operating in a much different relationship to the Commissioners than a mayor and his solicitor normally would enjoy, or than a city council and its attorney might develop.

The Department of General Administration

The Department of General Administration has fallen short of its promise in the Reorganization Plan of 1952, due to its lack of direct managerial power over the various departments of the government. It is not an extension of the political leadership of the city as are the chief administrative officers of cities like Philadelphia and New Orleans, or of Baltimore County, Maryland. The Director of General Administration cannot require the coordination of agencies that operate or report directly to separate Commissioners. No better illustration of this exists than the recent controversy between the Department of General Administration and subordinates of the Engineer Commissioner over the development of the Demonstration Cities application, and the still unresolved controversy as to actually who is to direct the planning and execution of the Model Neighborhoods program. The Commissioners tend to insulate their departments from effective managerial control by the Board or by the Department of General Administration, acting as the agent of the Board. It and

the Corporation Counsel are sometimes in the position of working for everybody and consequently for no one. They serve neither as a delegated manager might nor as a confidential and trusted professional adviser to, and administrative extension of, the chief executive or of the city.

A summary assessment

In conclusion, it would appear that the District of Columbia is disorganized. It is politically and legally inferior as a municipal corporation. It tends to be undirected. It is divided against itself in executive affairs. Coordination and management are impaired by the very structure of the government. This leads to a drive toward unanimity on the part of the Board and secrecy as a method of achieving unanimity. Unanimity is a virtual necessity in a three-man board if relations with Congress are to be regular. But in some cases, reaching a unanimous decision means postponing the decision for what appears to be an almost interminable period of time, and a failure to explore alternatives publicly.

In addition, the system is unable to assess its own performance because there is no separation between the executive functions of the government and an independent legislative or rule-making body which does not have a vested interest in the day-to-day administrative affairs of the city, and is by that token in a better position to make an overall assessment of the performance of the executive.

IV. THE REORGANIZATION PLAN

The basic issue

It is possible to describe the fundamental features of the Reorganization Plan in a single sentence. This might be helpful, since a very simple and readily understandable description can help prevent obfuscation of the central issues by those who might say that it is all much too complex to understand without prolonged study. It is true that the reorganization document is a lengthy one, but the plan simply does this: *It replaces the Board of Commissioners with a single Commissioner and a nine-member Council; and it redistributes the functions of the Board, giving executive functions to the Commissioner and legislative functions to the Council.* The rest of the plan is devoted largely to filling in the flesh on that skeleton—providing for an Assistant to the Commissioner, specifying how the new public officials shall be appointed, and how much they shall be paid, and so forth.

Two qualifications may be made. When we refer to legislative functions, we use that term in the limited sense that the Board of Commissioners presently has ever had legislative functions. It is fair to say that the Board does exercise such functions in the sense that American city councils generally exercise them—that is, its ordinance-making and regulatory duties constitute legislative functions at the local level of government. A further qualification would be that a few of the 432 powers of the Board of Commissioners that are transferred to the Council may be more executive than legislative in nature. For example, one of those powers is the ceremonial representation of the city government—a function which is usually performed by mayors or their representatives.

With these minor qualifications, our one sentence describes the basic policy issue presented by the Reorganization Plan.

The end of the commission system

Perhaps the largest contribution of the plan is the abolition of the commission form of government. This form was once quite popular—it was really a fad. No city of any size has adopted it in many years, and many cities have abandoned it. The central fault of this form is that it divides among several persons responsibility for functions that are closely intertwined, so that in order to accomplish anything that is large or complete endless negotiations must be carried on between persons of equal status, who have no superior to resolve differences among them. So when we say, for example, that a city needs not only physical renewal but thoroughly integrated physical and social renewal, we immediately find that renewal requires cooperation between departments that are under two or more commissioners. Lacking a chief executive to resolve their differences, we find that the decisions simply do not get made.

In Portland, Oregon, which is one of the few cities of any size that still has this form, a very thorough study was published a few years ago by a group of local businessmen and community leaders, urging that Portland get rid of the commission form of government. Their appraisal of it is not inappropriate for Washington:

"The central weakness in Portland's city government stems from the diffusion of the management job among five co-equal commissioner-administrators, who at the same time collectively make up the legislative body. This legislative function, in turn is weakened by the confusion of the desirable over-all policy viewpoint with particular administrative responsibilities and interests."

The commission form has several other faults. It tends to secrecy in decision making, since there is no separate body of legislators to raise questions and force executives to justify their policies. It tends to become bogged down in trivialities, since a great many matters, including many of small importance, must be decided by the whole commission rather than a single official. Finally, there is a strong tendency to seek unanimity of decision, which gives each commission member an informal veto over the whole range of municipal policies and gives the city a "lowest common denominator" program.

Executive leadership

The plan does a number of things that relate to the general needs and national trends discussed above. It does provide an executive leader for the government—a political leader, an executive leader and an administrative leader. It does, through the establishment of the council, provide a training ground for the future leaders in the community. The Council Presidency, for instance, appears to have a high potential as a place for a community leader to emerge. It does focus executive responsibility, leading to the President, to the Congress, and to the community. In addition, it establishes alternative avenues of access to the city government through the council as well as through the executive.

Framework for program management

It provides a better framework for program management. It would seem that it provides a framework in which decisions are more likely to be made in a timely fashion and in which it is possible at least to know why decisions have not been made if that is the case.

The Reorganization Plan, by reinstating the power of the executive to reorganize, does make it possible for the chief executive to achieve his organizational objectives—to regroup departments, to transfer functions. If he is going to undertake a youth services program, or a concentrated anti-crime program, it makes it possible for him to set up the organizational structure necessary to administer it.

Intergovernmental representation

The reorganization also creates an office of considerably greater prestige in the new Commissioner than in the present Board of Commissioners. The utility of this prestige can be found in several areas, particularly in intergovernmental problems, by increasing the authority of the Commissioner to speak for and commit his administration in regional matters. It should improve the access of the District government to the White House. In fact, in recruiting a Commissioner, it would almost be necessary to assure him of a higher degree of access to the White House than has been the case in the past few years. Thus he would be able to speak with greater authority in representing city interests and Administration interests to the Congress. In the past few years, the weakness of the Commission system has meant that many of the judgemental problems about the city have gravitated to the President's Advisor for National Capital Affairs. The new office of single Commissioner should provide a means of returning those decisions to the city government.

Representation

There can be no pretense, of course, that the Reorganization Plan provides a system of elections or anything resembling self-government. It does not. What it does provide is a Council which can be the basis for a more broadly representative government than the present system provides. This somewhat representative body will have official standing in local policymaking processes, as contrasted with the advisory councils which now exist, annually proliferate, and have no real governmental functions. The Council proposed by the plan does have important governmental functions. It is large enough to make diversity almost inevitable, and if it follows the practice of other city councils, those who lose in council votes will insist on public meetings because the traditional function of the underdog is to attempt to expand the arena within which the decision is made and to increase the number of participants in the political process.

Legitimacy

The Council will have sufficient authority to be important, and to require executive accountability, principally through its budgetary review powers. Thus, major city issues should be made more explicit. The Council should provide an end to the tendency to make decisions away from general public scrutiny. And it would seem that the Council will tend to legitimatize city requests to the Administration and to the Congress in a more forceful fashion than those requests are legitimatized at the present time simply by the Commissioners.

Limited scope of the plan

Appraising the Reorganization Plan in terms of the three national trends mentioned above, we find that it does not give the District of Columbia any additional home rule. *The plan does not increase the powers of the municipal government of the District of Columbia in any way.*

The plan does, however, make a substantial contribution in separating the executive from the legislative functions, placing the former in the hands of a chief executive and the latter in a separate legislative body. In so doing, it terminates the commission form of government.

The plan does not give Washington a more unified city government—none of the functions now exercised by independent boards and commissions are brought under the Commissioner and Council.

Thus the Reorganization Plan responds to only one of the three great nationwide trends in the organization of municipal government.

V. IMPLICATIONS OF REORGANIZATION

There are a number of implications in the plan. One is the question of citizen participation and the question of the means by which the civilians and interest groups in the city will advise the President of their desires concerning the choices of people for Commissioner, Assistant to the Commissioner and members of the Council. Clearly one

of the most important consequences of reorganization will be to set in motion a system of public expression on the choice of members of the Council. At least three models suggest themselves quickly: (1) advisory elections, (2) nominating assemblies, or (3) select screening committees.

Another important implication flowing from the plan, assuming its adoption, is for Congressional response to a reorganized and substantially strengthened city administration. One of the long term questions is whether Congress will respond by consolidating some of its own functions and activities that relate to the city government.

Questions inevitably arise, such as relationship between the legislative committees and the appropriations committees. Washington remains the only city in the United States in which the budgetary function is separated into two or more committees with entirely separate constituencies. Normally, in municipal government, both authorizations and appropriations are handled by the same group, and a different kind of budgetary process results.

Another aspect would be the extent to which oversight of individual functions of city government scattered outside the District of Columbia committees in other Congressional committees might be consolidated. Congress can, of course, proceed without change, if it chooses. But more effective administration of the District may well point up serious inefficiencies or inadequacies on the Congressional side of the governmental process.

One of the immediate implications of the Reorganization Plan is its possible impact on the relationship between the District Building and the White House, and thus, on the President's Advisor for National Capital Affairs. It is instructive to note that the brunt of the reorganization effort has been shouldered by that office rather than by the Commissioners. This is not the first time that the President's Advisor has played a dominant role in the making of policy for the District. Once the Plan takes effect, and a single Commissioner is in office, the role of the Presidential Advisor will probably change. The success of the Commissioner will depend in no small part on his rapport with the President. We might expect the Commissioner to assume, therefore, many of the decision-making and policy advisory functions relating to District of Columbia affairs that have been performed by the Advisor for the past few years. The Advisor, then, might assume a more regular White House staff role, dropping the special title, or the office might well develop into a coordinator and expediter of Federal activities affecting the capital city and its metropolitan area.

Another implication or problem is staffing the government. At the present time there are a number of key vacancies including that of Director of General Administration in the District government. One of the most important tests of whether a governmental system is working is whether or not it is capable of attracting first-rate, high-level professionals to serve in administrative capacities. The proposed system should enhance the capacity of the government to attract such persons because, at least in the highest levels of administration, responsibility would be more clearly fixed and the opportunity would exist to work with a single person rather than having to work with three persons or having to have the agreement of three persons before being able to make an administrative decision.

An important problem for the future is the role of the independent boards and agencies of the District government, and the Federal agencies that perform local functions. The reorganization, once in effect, will very quickly highlight the existence of those agencies and their somewhat anomalous role in the city.

Just consider what is likely to happen if the city has, in the office of Commissioner of the District of Columbia, a forceful executive who wants to move ahead with many of the things that need doing in this city. He will probably want a planning staff at his service, to help him plan for the future development of the city, and to advise him on the implications of many day-to-day decisions. Where will he find such a staff? At the present time there is no planning staff within the District government. Instead, planning functions are vested in a separate Federal agency.

Or consider what will happen if there is a Council that regards itself as representative of the people of the District of Columbia and has some strong ideas about what should and should not be done for and to the city. And suppose it finds that its ideas are not shared by the independent Federal agencies in charge of such functions as parks and redevelopment. There are likely to be many frictions, growing out of the division of local functions among a number of agencies.

The Reorganization Plan, once in effect, may also highlight the need for organizational and procedural changes within the District Building, at the departmental level and below. We may find, once an effective top-level organization is in existence, that the District government has outgrown the 1952 Reorganization Plan and that a major effort is needed to streamline the lower levels of the government.

We should note two tasks that might well be undertaken as soon as the Reorganization Plan goes into effect. The first is a prompt study to delineate the steps that will be needed to put the new government on a firm footing. Conversion from a form of government in existence for more than 90 years to this new form will be no mean task. Both public officials and civic organizations might profitably engage in a study of the problems involved, in order to assure a smooth transition and a very fast start for the new government, which will be on trial during the early part of its life and will need to perform effectively as soon as it goes into action.

Finally, the Reorganization Plan suggests a very important long-range task: the framing of a new charter of government for the District of Columbia. This need exists, and can be met, entirely separately from the questions of whether the city is to elect its officials, and whether there is to be any substantial increase in the powers of the local government. Whatever the answer to these questions may be, there is surely a need for a modern city charter for Washington, setting forth the structure of government and, in broad and general terms, the powers of the local government. The Reorganization Plan provides a list of more than 400 separate functions that have at various times been delegated to the District Commissioners by the Congress. This is a very valuable piece of research, providing for the first time a convenient statement of the powers of the municipal government. It is a good starting point for anyone who wishes to study and understand the present powers of the District and to work toward a charter of government that will state those powers more generally and systematically, and perhaps through that route will achieve a greater degree of home rule.

VI. CONCLUSIONS

On balance, it would appear that the Reorganization Plan constitutes a substantial improvement in the government of the District of Columbia.

From the point of view of the Congress, it should provide a far more effective administration of the laws and policies set by the national legislature for the Federal city.

From the point of view of the President, it should greatly improve city-White House relations, and relieve the President's Advisor of the necessity of acting as a secret mayor for the city.

For the community, while it may fall well short of its democratic hopes, the reorganization holds the promise of greater access to its government, a clear focus of responsibility and the expectation of surer and faster decisions of critical questions, and more responsive administration. While not self-government, it promises better management of non self-government. And it offers a somewhat broader opportunity for citizen participation in city affairs.

The general need for reorganization cannot be subject to much dispute. The current proposal, while surely not perfect, is also surely preferable to the *status quo*.

It is important to understanding the Reorganization Plan that its adherents not claim too much. Its foremost contribution is in providing a framework for rendering the District of Columbia manageable and fixing responsibility for that management. It is equally important that adversaries of the plan not underestimate its importance to the city. It must be conceded that it brings neither full unity of *all* agencies, nor does it bring democracy. But better management *can* contribute to both unification and more responsive government.

NO TRUCE IN POVERTY WAR

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I want to express my agreement with the New York Times editorial of Sunday, June 18, entitled "No Truce in Poverty War." As the editorial states:

This is no time to scuttle OEO. It is time, if anything, to step up the war on poverty under a strengthened, unified command.

This is a timely truth, for the opportunity to renew our commitment to ultimate victory in the war on poverty will soon be here. The House Committee on Education and Labor has begun hearings in which the important achievements of the office of economic opportunity are coming to light.

The OEO is a youthful, imaginative agency. It is a flexible agency, whose very adaptability will enable it to continue to respond well to the manifold challenges of poverty. Surely any determination of ours, Mr. Speaker, to continue to wage unrelenting war on poverty must be coupled with unstinting support of the agency we created to lead and coordinate that effort. The office of economic opportunity has performed effectively and it deserves our continued strong support. In this connection I ask unanimous consent to have reprinted here the New York Times editorial to which I referred.

NO TRUCE IN POVERTY WAR

As violence and the threat of violence mounted last week in a number of American cities, the Federal program that most directly attacks the root causes of civic strife—the war on poverty—was beginning an ordeal in Congress that threatens its survival.

A House committee opened hearings on President Johnson's proposal to spend $2

billion on the poverty war this year and other Administration proposals designed to correct operating deficiencies in the Office of Economic Opportunity (O.E.O.). Also before the committee are Republican proposals to slash antipoverty spending and dismantle O.E.O. From the tenor of Congressional questioning, it is evident that O.E.O. is headed for a tough fight.

The agency is not without faults, but the war on poverty at least represents a serious Federal effort to come to grips with the problems of discrimination, ignorance and neglect that have driven millions of Americans to the brink of desperation. O.E.O. provides coordination for this effort and an innovative flexibility impossible if the whole campaign is left to old-line Federal bureaucracies.

This is no time to scuttle O.E.O. It is time, if anything, to step up the war on poverty under a strengthened, unified command. Under the best of circumstances, the war will be a long one. It will be even longer if it is deprived of funds, imagination and effective leadership.

NUCLEAR DESALTING PLANT IN SOUTHERN CALIFORNIA

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I had the great honor to attend recently the signing of S. 270, now Public Law 90–18, which provides for the construction and operation of a nuclear desalting plant in southern California.

The real credit for the success of this legislation goes to Congressman ASPINALL and Congressman HAROLD JOHNSON, of California, under whose committee sponsorship this legislation came to the House floor. The House passed the bill on April 20 by a rollcall vote of 315 to 38. This House action had been preceded by the very important work of the Senate Interior Committee under the capable leadership of Senator HENRY JACKSON, of Washington, the Senate approving the bill first on February 6. The House amendments were accepted by the Senate on May 8.

This project was first given impetus in 1966 on the date that the House passed the atomic energy authorization bill—Public Law 89–648. This legislation included an initial $15 million for the AEC portion of the project, which was for specialized items relating to the desalting process of the reactor.

The President, in signing the desalting bill on May 19, paid tribute to Senator JACKSON and to Congressman ASPINALL, as well as many others who shared in the work at crucial stages of its development. As enacted, S. 270 provided the Interior Department's share—$57.2 million—of the project, which will go toward the development of technology necessary for the plant. The project will be completed in two phases, the estimated total cost of the plant to run around $444.3 million. Of this total, about $340 million will be contributed by local sources, among them the Metropolitan Water District, the City of Los Angeles, Southern California Edison, and San Diego Gas & Electric.

By pulling together this remarkable "mix" of private enterprise, local government, regional cooperation, and Federal participation, this project offers a very real prospect for the first large-scale application of nuclear energy to the desalting process. It is also the first large combined power and desalting plant, and will produce a volume of commercially competitive desalted water without precedent. The next big step will be the development of technology needed to make smaller plants of this kind available on a wider scale, both in this country and abroad.

It gives me particular pleasure to ask that President Johnson's remarks at the signing of this important act included at this point in the RECORD. Under unanimous consent I place the statement at this point in the RECORD:

THE PRESIDENT'S REMARKS UPON SIGNING BILL PROVIDING FOR CONSTRUCTION AND OPERATION OF THE DESALTING PLANT IN SOUTHERN CALIFORNIA, MAY 19, 1967

Mr. Vice President, members of the Cabinet, distinguished Members of the Congress, ladies and gentlemen, for many centuries, men have been searching for ways to produce fresh water from our oceans. Three hundred and fifty years before the birth of Christ, the ancient Greeks were struggling to try to solve that problem.

Today, with the signing of this bill, here in the East Room of the White House, we take a step toward the end of that struggle that was begun so many years ago. Today we begin the greatest effort in man's history to produce water and electric power from the sea.

This bill makes possible a new desalting plant which will more than double the world's total capacity for desalting water.

And in the process, it will lower considerably the cost of making fresh water from the sea.

Two years ago, when speaking at an international meeting on desalting, I asked the Congress to authorize this plant for us: to make full use of today's scientific knowledge and to produce, by 1970, 100 million gallons of fresh water per day.

Two years ago that seemed to all of us a very ambitious goal. But this plant will produce not 100 million gallons, but 150 million gallons—50 percent more than we even dared to predict.

Each hour, each day, it will produce more electric power than the Hoover Dam produces.

This plant alone will not suddenly and overnight make our deserts bloom. But more than anything that we have done yet, it does point to the day when lands now dry and empty will sustain life and will feed the people of the world.

In our own country, we know, I think, what hardship is caused when neighbors have to depend on a single river for their water supply, and when we must share those meager resources with each other. One single stream—the Colorado River—must now serve seven dry States, and must provide water in addition for many of our good neighbors in Mexico.

For years, that stream has been the source of much too little water—and too many arguments. It has been the subject of quarrels, lawsuits, interstate compacts, international treaties, and has affected elections from time to time.

All of that worry, all of that effort, added not one new drop of water to that great stream.

This bill will help us change all of that. Mexico, the States of the West and the Southwest need more water, and they need that water now.

This bill will help them get it.

This bill, as you know, marks the beginning, not the end, of all of our efforts.

Our sights are set on a whole family of desalting plants—to help not only our coastal communities, but our inland towns also, which are troubled by brackish water supplies.

Some of these new plants will be powered by atomic energy.

Others will be fired by coal, gas, or oil.

Others—some day—may even get part of their energy from reconstituted waste products.

Until we build those plants, we are going to continue to face very urgent water problems.

With every tick of the clock, more people are being born into this world. As their need grows for food, clothing, and industry, our water tables continue to drop. This venture—this venture that we are launching—must be the first of many ventures of this nature throughout the world.

So many people deserve credit for this success this morning that I dare to mention not even one name. But I shall just have to refer to a few who have come in and out of our office in the months that have gone by.

Members of the Senate, like Senator Jackson, Senator Anderson, Senator Kuchel, almost all the Members of that body.

Congressmen Craig Hosmer, Wayne Aspinall, Harold Johnson, Richard Hanna, Ed Reinecke; my good friend Chet Holifield; my friends from the California delegation, Bernie Sisk, and others.

Secretary Udall, and all the people in the Interior; Assistant Secretary DiLuzio.

I don't want to overlook the Mayor of Los Angeles because I made him come in and ante up a little extra when the going was a little hard. I guess he appropriated some of it to bring him here today. We are happy that he is at this ceremony to launch this experiment.

The Vice President and all public officials everywhere who have participated in that, and, more than that, are willing to enlist in the war ahead.

We will outline plans as soon as that distinguished Californian, the Chairman of the Atomic Energy Commission, gets them ready for any other ventures that some of you want to take.

Finally, I want the citizens and public officials of the Federal Government, and the State of California—and particularly Southern California—to know that we appreciate this partnership in this very special effort.

To the Members of the House and Senate, the Governors of the States, we are all deeply in your debt.

This achievement is really a symbol of not only our partnership and our working together, but our power to act together. Often there is too much talk and too little action. What is needed for the future in this whole field of water is the will and determination to act.

I am very happy to sign this bill. I am very pleased that you could come here.

I am glad that all of you will witness it. As you witness it, and become a party to the fact, you will enlist with us in the fight that is ahead for all of us.

Thank you very much.

NOTE.—The President spoke at 1:20 p.m. in the East Room at the White House. As printed above, this item follows the text of the White House press release.

(As enacted, the bill, S. 270, is Public Law 90–18.)

REPORT ON NINTH DISTRICT LAW ENFORCEMENT CONFERENCE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman

from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAMILTON. Mr. Speaker, recently I brought together Indiana's top authorities in the field of law enforcement to discuss the spiraling crime rate in the Nation, in the State, and in the congressional district which I represent.

But more than merely disclosing crime statistics, these State leaders used their expertise to report what was being done to combat crime and what should be done to make their efforts more effective.

About 175 persons, including State, county, and city law enforcement officers, city and county officials, judges and court officials, and others whose work involved the control of crime, attended the meeting.

I called the meeting in response to rising concern on the part of residents in the Ninth District of Indiana about the increase of violence and crime.

I was heartened by the turnout of law enforcement officials from the Ninth District and from across the State. Their attendance demonstrated their concern and their dedication to their profession.

The meeting was held June 10 at the Seymour, Ind., High School auditorium. Participants included Superintendent Robert A. O'Neal of the Indiana State Police; Anthony S. Kuharich, commissioner of the Indiana Department of Correction; James T. Neagle, agent in charge of the Indianapolis office of the FBI; Dr. Robert Borkenstein, director of the Indiana University Department of Police Administration, and Dr. David Baker, representing the Indiana Council on Crime and Delinquency.

My colleague, Congressman J. EDWARD ROUSH, of Indiana's Fifth District, a leader in anticrime legislation, also participated in the conference, citing the problems in attempting to control crime across the country. He pointed to public apathy as one of the major obstacles in curbing this menace to our society.

Mr. Speaker, I wish to include some of the remarks made by the speakers at the conference. I think they are pertinent to the campaign against crime in Indiana or anywhere in this country.

CRIME CONTROL SUGGESTION

Superintendent O'Neal announced at the conference a 10-point program for both citizens and police to curtail the rising crime rate, adding this warning:

We have reached the point where criminal depredations have put police and honest, law-abiding citizens with their backs to the wall. It is time to strike back.

The 10 points set out by Superintendent O'Neal were developed from ideas and suggestions from Indiana State Police commanders and troopers. They include:

FOR POLICE

1. Expand patrols in high crime areas, especially at night.
2. Work for legislation to establish a uniform crime records system for the entire state compatible with other state and national systems.
3. Explore telephone communications to police at no expense to caller.
4. Step up in-service training in criminal investigations and use of scientific evaluation of evidence.
5. Inform the public on practices which tend to aid and abet crime. Institute a public information program to acquaint the public with the extent and cost of crime.
6. Develop a central file on organized crime and criminals—not just syndicate organizations, but on a burglar-fence type operation.
7. Work more closely with correction authorities to obtain better information on repeater criminals who are at large.
8. Make more contacts with youth groups to encourage youngsters to help maintain law and order.
9. All enforcement personnel shall maintain a continuous inventory and appraisal of criminal activity in his area of assignment. Uniform personnel will be assigned to criminal investigations on a rotating basis.
10. The Indiana State Police is contemplating taking troopers off road patrol in order to man all installations on a 24-hour basis. (Due to a lack of manpower, communications facilities at South Bend, Kentland, Peru, Terre Haute, Bloomington, Versailles and Evansville posts close at midnight. Troopers, however, maintain round-the-clock patrols in these areas and communicate with the district headquarters.)

FOR THE PUBLIC

1. Do not aid and abet criminal activity. Always remove keys and lock car when it is parked. Do not "invite" criminal into home while absent or on vacation.
2. Schools must instill a high degree of respect for law and order in their students.
3. Parents must set proper examples for their children. Compliance with and respect for law and order by parents is essential for the proper development of the child's attitude. Know your children's friends and associates.
4. Lend law enforcement your eyes and ears. Call any unlawful or suspicious activity to the attention of the police.
5. Participate in law enforcement as a good citizen. Visit the courts, serve willingly on juries and find out what is happening in law enforcement.
6. Merchants and businesses should help prevent crime by adequate after-hours lighting in their establishments. Reduce temptation by proper displays. Use burglar detecting devices.
7. Your police must be adequately budgeted in order to function properly. Support the police by your loyalty to them.
8. Record the serial numbers of valuables for identification in case of theft.
9. Civic and fraternal organizations should initiate programs in support of law enforcement. Invite a law enforcement officer to speak at your next meeting.
10. Support public officials who advocate good government and strong law enforcement. Participate in your government and vote for the candidate of your choice on election day.

Superintendent O'Neal also reviewed Indiana's new compulsory police training act, established by the 1967 Indiana General Assembly. It will require all persons becoming Indiana police officers—with the exception of sheriffs, sheriff's deputies and constables—to undergo a period of police training within a year of their being appointed to a law enforcement agency.

The Indiana Legislature voted down a proposal to build a $5 million police academy to house the training facility. Superintendent O'Neal said the money will be raised by public subscription.

NEW PROGRAMS NEEDED

Mr. Kuharich told the conference audience that all elements of society are needed to combat the rising crime rate.

As long as we have human beings, we shall have delinquents and criminals, he said. Therefore we must focus our attention on effective programs of reformation and reeducation to curb crime and delinquency and keep it at a minimum.

He listed the following programs as steps which hopefully will be developed in Indiana:

1. *Greater use of probation by the courts.*—Probation is generally defined as a non-punitive method or technique for correctional treatment whereby the sentence of a convicted offender is suspended, allowing him to remain in the community on good behavior, subject to the control of the court and under the supervision and guidance of a probation officer, possessing the professional skills and the personal qualities to work effectively with people who have violated the law. The probationer with the aid of the probation officer has an opportunity to regain his self-respect in a normal community setting with normal social contacts and responsibilities. He continues to live with and support his family. In the performance of their duties probation officers conduct presentence investigations thereby aiding the courts to determine which defendants would profit from probationary supervision in the community and who should be removed from society and committed to correctional institutions. As supervisors they use their professional skills to assist the probationer in modifying and changing his behavior and attitude so that he can live as a decent citizen in a free society. In other words, by carrying out the functions of an investigator and supervisor, the probation officer is protecting society in a practical, economical and effective way.

2. *Establishment of diagnostic centers.*—Whenever a court commits an offender to a correctional institution, he should first be placed into a diagnostic center for a period of observation and study by a professional staff skilled in the behavioral sciences. Here a determination can be made as to his needs and problems and whether he could be safely returned to the community under supervision. If his needs can best be met in an institutional setting, then a determination can be made as to the appropriate facility such as a camp, youth center, or reformatory.

3. *Work Release Program.*—This permits selected inmates to work for the prevailing wage scale outside the institution during the day and returning to the institution after working hours. Their earnings would be used for the releasee's institutional costs and family support. Indiana now has a work release law which goes into effect July 1, 1967. Plans are now being made for certain selected inmates to work in private industry near our three adult institutions.

4. *Correction Institutions in the Community.*—Certain types of offenders cannot adequately profit from probation or institutional treatment. California has experimented with community treatment centers. They are effective and less costly to operate. Community resources are utilized with increased contacts between the inmates and the citizens in the community. In this manner the residents engage in non-criminal social life and in legitimate occupational pursuits while still under some constraints and with some guarantee of subsistence in case they are unsuccessful in earning their own needs. Individual and group counseling is given each inmate. Release from these centers to the free community is gradual and their chances for success are greater, since they are better equipped for re-entry into society. A community treatment center could be estab-

lished to serve one community or a regional center for three or four counties.

Another community type institution is the pre-release guidance center. Its purpose is to help the offender make an orderly adjustment from total incarceration of an institution to the total freedom of the community. Penologists agree that the first three or four months on parole are the most critical in the lives of the parolees since they must adjust to community life, attempt to find a job and resolve many personal problems. The center is staffed with professional personnel who assist the resident with his problems and bridge the gap between institutional life and the community. The pre-release guidance center is an extension of the correctional institution, and the inmate is technically serving the last three or four months of an institutional sentence prior to his being released from the center on parole.

Still another type of community center is the half-way house. It is used for all-age offenders who are without placement resources. The residents are parolees or those released at the expiration of their sentences without any supervision. It provides a more gradual re-entry into the community in a setting where there is considerable degree of freedom and responsibility for the releasee. Often, much assistance is given in employment, social re-education and group living, as well as an opportunity to accumulate some funds. Generally, upon leaving a half-way house he is much better equipped for the final step of release into the community.

We are in a period of rapid social change. Consequently, this has resulted in a change in the nature and extent of crime. Society must give up the traditional approaches and find more effective ways of dealing with the serious problem.

OTHERS RESPOND

I received from Senator BIRCH BAYH, of Indiana, a letter in which he concurred in the philosophy and purpose of law enforcement conferences. Senator BAYH said:

Although we must always insure that the constitutional rights are respected, I firmly believe that the time has come for our nation to act more vigorously to protect our citizens from criminals and to convict the guilty. We must think more seriously about the rights of the individuals who are the potential or actual victims of criminal activity. As a result of these hearings, I am hopeful that we will be able to propose legislation that will help us accomplish these objectives and accelerate our efforts to fight crime.

Mr. Speaker, I wish to include, too, the following newspaper accounts of the session which demonstrate the interest and cooperation of the news media in this conference:

[From the Indianapolis Star, June 11, 1967]

CRIME WAR PARLEY EYES NEW METHODS

SEYMOUR, IND.—Better training and equipping of policemen and upgrading of their status and pay were cited as some steps to help fight the high-rising crime rate by participants in a "challenge of crime" discussion here yesterday.

The suggestions came from interested experts who took part in the discussion called by United States Representative Lee H. Hamilton (D-Ind.). The purpose of the meeting, Hamilton said, was to "seek out the roots of crime."

How the training of the state's policemen in the academy created by a 1967 law will help was explained by Robert A. O'Neal, superintendent of the Indiana State Police.

"It's a vast improvement, a step in the direction of professionalizing law enforcement officers," O'Neal said.

On pay, O'Neal said, "Policemen need help. They're the low man on the totem pole. It's the result of the failure of political leaders to do something about it."

James T. Neagle, special agent in charge of the Indianapolis office of the Federal Bureau of Investigation, told how the computerized storage and recall of investigative information can aid police departments when they are connected to the national network.

Printed replies to inquiries can be had in as little as 90 seconds, he said.

Anthony S. Kuharich, commissioner of the Indiana Department of Correction, urged greater use of community institutions in the rehabilitation of offenders who are not yet hardened criminals.

"It's a cold fact that crime is a complex thing," he said. "There's no realistic cause or cure. Our reformatories and prisons are not rehabilitating the offenders. We need more counselors. We need more training programs."

Robert F. Borkenstein, director of the Department of Police Administration at Indiana University, told of recent gains in training of police administrators and law enforcement officers.

"There will be more modern training in the next three years than there has been in the last 50 years," he said.

Borkenstein said there will not be any conflict between the I.U. operations and training at a new police academy authorized by the last Indiana General Assembly.

They will complement each other, he said.

[From the Indianapolis News, June 10, 1967]

NO SANCTUARY FROM CRIME RISE ANYWHERE, REPRESENTATIVE HAMILTON SAYS

SEYMOUR, IND.—There is no sanctuary from crime anywhere in the United States, Rep. Lee H. Hamilton, D-Ind., told a conference on crime today.

Federal Bureau of Investigation statistics show that crime, in Indiana and across the nation, is increasing five times faster than the country's population, Hamilton said.

The 9th District conference on crime was called in an effort to find out what is being done and what else should be done about crime and criminals, Hamilton told persons attending the meeting in the Seymour High School gym.

"Crime among young people is especially disturbing. In the U.S. today, one boy in six is referred to a juvenile court. It is estimated that 40 per cent of all male children now living in the U.S. will be arrested for a non-traffic offense in their lives," the congressman said.

The FBI, he said, has reported that from 1960 to 1965 police arrests for all criminal acts rose 10 per cent, but during the same time arrests of persons under 18 jumped 54 per cent.

Although there has been an increase in crime nationwide, there has been a decline in serious crime in the 17 counties which compose the 9th District, he said.

He pointed out that state police reported 879 serious offenses were investigated in 1964 in the 17 counties. The number dropped to 816 in 1961 and in 1966 was down to 726, he said.

Various methods of dealing with the crime problem have been proposed and are being followed, but regardless of what techniques are used, "law enforcement is a local responsibility," Hamilton said.

"It is the citizen who finally determines whether law enforcement agencies are adequately staffed and equipped and competently trained. It is the citizen who maintains and enlarges respect for law and order. It is the citizen's dedication to public order which is the most powerful deterrent to crime," Hamilton said.

Other speakers at the conference included:

Robert A. O'Neal, state police superintendent.

Anthony S. Kuharich, commissioner of the Department of Correction.

James T. Neagle, agent in charge of the Indianapolis office of the FBI.

Robert Blakey, associate professor of law at the University of Notre Dame.

Dr. Robert Borkenstein, director of the Indiana University department of police administration.

[From the Louisville Courier-Journal & Times, June 11, 1967]

COMPULSORY POLICE COURSE TO BE STARTED IN JANUARY

(By Bob Sculley)

SEYMOUR, IND.—Compulsory training for nearly all persons becoming Indiana police officers—whether on the city, county or state level—will begin about next January.

This was announced here yesterday at a 17-county conference on crime by Robert A. O'Neal, superintendent of the Indiana state police.

He said a permanent police academy will be constructed later to house the training program.

The 9th Congressional District crime conference, organized by the district's congressman, Lee H. Hamilton of Columbus, was held in the Seymour High School auditorium. About 105 police, probation and parole officers, attorneys, judges, educators and civic leaders attended.

O'Neal said the training program was established through an act of the 1967 Indiana General Assembly. The act goes into effect July 1. It will then take another six months for a 14-member committee—to be appointed by Gov. Roger D. Branigin—to set up the training program.

The training course must be taken by all persons entering police service on any level except sheriffs, part-time deputies and constables, O'Neal said.

The General Assembly refused a $5 million appropriation to build the permanent police academy, said O'Neal, so the money will be raised by public donations.

The academy is essential, he said, "because we just can't train 6,000 to 7,000 officers in some armory or the back room of a police station."

Other speakers at the conference included James T. Neagle, agent in charge of the FBI office in Indianapolis; Anthony S. Kuharich, state commissioner of corrections; 5th Districe Congressman J. Edward Roush of Huntington County; and Hamilton.

Neagle told the conference that a National Crime Information Service has been operating throughout the United States since January. Its computers, he said, can provide data on stolen cars and wanted persons to any part of the nation within 95 seconds.

Indiana has not yet set up a state terminal for the service, he said, but until it is organized, any Hoosier police officer can use the service through the Indianapolis FBI office.

Kuharich told the conference that Indiana lags in efforts to set up an effective rehabilitation center.

The state now has 7,000 penal inmates "of whom 3,500 will be back (as repeat offenders)," he said.

"This is appalling compared to the federal system where 80 per cent of the parolees make good," he remarked.

"FIX" IN COURTS ASSAILED

Kuharich said a diagnostic center is badly needed where "we can weed out those whom we can modify and rehabilitate as successful citizens, and those we can't."

Professional rehabilitation is costly, said Kuharich, but not as costly as the current program of Hoosier penology.

"After all," he said, "it costs $4,800 a year to put a girl through girls' school (reformatory). You could send her to Vassar a lot cheaper."

Probation is frequently blamed for failing in the case of individuals who should never have been placed on probation, he continued. This happens "in some courts (where) probation is used as a form of leniency," he said, and added: "It's a fix."

A friend of the judge intercedes on behalf of the accused, he said, and the judge grants probation "when that guy (the accused) should go to prison. Then we get blamed because probation failed because somebody got a fix."

Hamilton, who called yesterday afternoon's conference in a move to learn what is being done—and what more should be done—to curb crime, said statistics show that crime in Indiana and over the nation is rising faster than the population.

He declared that crime among young people is especially disturbing. He said the FBI has reported that from 1960 to 1965 arrests for all crimes rose 10 per cent, but arrests of persons under 18 jumped 54 per cent.

[From the Columbus (Ind.) Republic, June 12, 1967]

REHABILITATION NEEDED FOR INDIANA PRISONERS

(By Joe Holwager)

SEYMOUR.—An appeal for a diagnostic center to help correction authorities in rehabilitating prison inmates and praise for the Indiana General Assembly in setting up an academy for mandatory training of all Hoosier police officers were heard Saturday at a Ninth district crime conference at Seymour's high school auditorium.

The conference, aimed at identifying some of the roots of crime, was attended by more than 100 persons, including six police officers from Columbus and Charles Rominger, probation officer.

Police personnel Chief Glenn Line; Capt. Herbert Line and Patrolman Cleon Sweeney, detective division; Sgt. Raymond Burns, records, Sgt. Fred Zeigler, and First Sgt. Chester Wilson, detective division, Indiana state police were present from Columbus.

The meeting was organized by Congressman Lee H. Hamilton. Included on the panel were such specialists in the field of law enforcement as Robert A. O'Neal, superintendent of Indiana state police; James T. Neagle, resident agent of the Indianapolis office of the Federal Bureau of Investigation; Anthony S. Kuharich, state commissioner of corrections, and Dr. Robert Borkenstein, moderator director, Indiana university department, police administration. Dr. G. Robert Blakey, associate professor of law, University of Notre Dame, who was to speak on the courts, was ill.

Mr. O'Neal spoke on the mandatory police training act, passed in the recent Indiana legislature session, praising it as "the best thing to ever happen to law enforcement in our time."

The act goes into effect July 1, Gov. Roger D. Branigin will appoint a 14-member committee to set up a program of training, and according to Mr. O'Neal, training will begin 30 days after this board is appointed. It is speculated the actual training will start about next January.

The course must be taken by all persons entering police service on any level except sheriffs, part-time deputies and constables. The law stipulates a policeman will be fired if he is not trained within one year after beginning his duties. The police superintendent noted that this was the "best feature of the bill."

In explaining the need for such a law Mr. O'Neal said the Indiana police program lacks a coordination of effort which must be remedied. He mentioned that it will provide a basic training manual for all police, regardless of whether they be county, city or state. He also spoke of a need for higher salaries for law enforcement personnel and in a sense evaluated the new law as a basis of unification for raising the standards of a profession.

Congressman J. Edward Roush, author of a bill to create a national research center on crime, was a guest and speaker at the conference. The Fifth district representative congratulated Congressman Hamilton on calling the meeting. He bewailed the apathy of the public and officials toward crime and spoke of problems in rehabilitation.

The only unsolicited applause of the session was given Mr. Kuharich on his answer of a question following his talk. The question concerned whether the corrections end of law enforcement was not making things too good for the criminal in its philosophy toward rehabilitation.

The commissioner answered that under the present "lockup" penal system of 7,000 inmates, 3,500 will be repeat offenders. He asked that this percentage be compared with the federal system where 80 percent of the parolees make good. He stressed that a diagnostic center is badly needed where the ones who can be rehabilitated as successful citizens can be weeded out.

"The problem should be recognized where it is" concerning repeat offenders, he said, and pointed to the courts.

"Many criminals are getting off easy due to political ties," he asserted, and referred to a case where a man is able to get away with embezzling $100,000 but another is "thrown in the can" for taking 10 cents. The person needing help is generally "without it," he concluded.

Mr. Neagle explained the National Crime Information Service, which began in January with 15 agencies, reaching from the major regional cities of the United States, in direct contact with a headquarters computer in Washington, D.C. The system of computers acts as a "nationwide index of what stations have in case files," he said. Data on stolen motor vehicles, property or wanted fugitives can be speeded to any part of the nation within 90 seconds through the use of the service.

Recognized in the audience by Congressman Hamilton were prominent law enforcement figures from most major areas of Indiana, some traveling from as far away as Lafayette. As one of the panel speakers put it, the only drawback to the session was that it did not attract the people most important to crime prevention, meaning the general public.

[From the Seymour Tribune, June 12, 1967]

CRIME FIGHTING NEEDS DETAILED IN MEETING

(By Neal Green)

Progress is being made on the war on crime, but much, much more, remains to be done. This was the essence of comments and opinions by top law enforcement leaders Saturday at a conference at Seymour Senior High School, sponsored by Congressman Lee H. Hamilton.

Anthony S. Kuharich, state commissioner of corrections, summed it up, "The state and perhaps the nation has too long followed the wrong program. We need to look at the problems as they exist, but we need help on every level."

Kuharich was one of six speakers at the conference which attracted 175 persons, representatives from all phases of law enforcement, including the courts, prosecutors, mayors, police chiefs, state troopers and probation officers and interested citizens.

Speakers included James T. Neagle, resident agent in charge of the Indianapolis office of the Federal Bureau of Investigation; Robert A. O'Neal, superintendent of the Indiana State Police; Dr. Robert Borkenstein, director of Indiana University Department of Police Administration; Dr. David Baker, representing the Indiana Council on Crime and Delinquency; Congressman J. Edward Roush, author of a newly presented crime bill and Congressman Hamilton, co-sponsor of a congressional crime bill. G. Robert Blakey, associate professor of Notre Dame University, due to illness, was unable to attend.

OPENING REMARKS

Congressman Hamilton, in his opening remarks, cited the high cost of crime in the nation which is estimated at $27 billion per year. He said statistics can reveal only the number of crimes and the dollar value involved. "Erosion of the public spirit and lack of confidence in the processes of law cannot possibly be measured on a cash register," Congressman Hamilton added.

Throughout the three-hour conference, the need for help was stressed for all departments on all levels, from citizens, individually as well as collectively, through the support of city government for a better law enforcement body to deal with what was termed as "modern conditions".

O'Neal said there is a need for better educated law enforcement officers. At present, college training is given only agents of the FBI and the state police. This training, he said, was needed on all levels including city, county and juvenile officers.

SEES COMPULSORY TRAINING

He said the new state police academy would soon be in operation and predicted that training would be compulsory for officers of all local law enforcement organizations.

O'Neal called attention to the recently announced 10-point program being planned by the state police in the war against crime. He said seven posts which presently are shut down at midnight, except for road patrols, would be reopened and plans called for an increase in night police activity.

He predicted with the start of a concentrated training program, salaries, especially on the lower branches of government, would have to be increased to attract qualified officers.

Kuharich said the corrections department has changed its goal toward rehabilitation of prisoners. He said, in the past, the goal had been one of revenge and retaliation to the prisoner for his act against society.

A planned work-camp program, which will go into effect officially in July, coupled with diagnostic centers and greater use of probation by the courts can do much to aid the readjustment.

Dr. Baker said the council on crime and delinquency is seeking to bring all groups together and coordinate efforts to educate the public and improve police departments.

He praised Senator Vance Hartke for a bill which he is sponsoring, which would provide scholarships to law enforcement officers and loans to attend specialty schools or the police academy.

Congressman Roush said "There is much apathy on the part of the general public and police officers, but there is a ray of hope."

He told of attending a graduation of inmates at the state prison at Michigan City where one group was presented high school diplomas, while still a larger group had graduated from a school of data process training—a part of the state rehabilitation program.

A proposed single nationwide telephone number for reporting crime and one for reporting fires, Roush said, is being studied.

The need to look at the problem as it exists, was echoed by all the speakers. "We need to attempt to learn why a person is jailed and try to find a solution", Kuharich said.

During the question and answer period conducted by Borkenstein, Kuharich said at the present rate, 80 per cent of parolees will never return to an institution, largely because of the rehabilitation program. But, he said, "We need to do more."

Kuharich cited the cost to put a girl through girl's school, which he said was

$4,800 yearly. If the child is not given help while she is there, she will likely go out worse than when she came in.

His comments in comparison of an embezzler and a juvenile delinquent, drew strong ovation when he said, "A Lake County man accused of taking $300,000 of the taxpayers' money, remains free, while they dillydally around, while a boy who takes a 25-cent item is bundled and incarcerated so fast it is not funny and as far as I am concerned, that child should get every bit of help it is possible to provide to turn him into a good citizen."

A PILGRIMAGE TO THE ALAMO

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, as we do each year in San Antonio, a pilgrimage to the Alamo is held on March 6. It is a solemn and a memorable occasion, commemorating the struggle and the fall of the Alamo.

This year we were most fortunate in having the illustrious and eloquent commanding general of the 4th Army, headquartered in San Antonio, Lt. Gen. Thos. W. DUNN, give the official address for the occasion.

The address follows:

COMMANDING GENERAL'S ADDRESS AT THE ALAMO

Any good American would indeed be greatly honored to stand where I am standing and to have the opportunity of presenting this traditional address at these activities which commemorate the men of the Alamo who fought and died here over 130 years ago.

As a native Texan, having been brought up in the traditions of this great State, this occasion is of particular and certainly of the greatest personal significance.

On March the 6th, 1836, on this very same ground where you and I are assembled this afternoon, a small group of dedicated men died in triumphant defeat. I say defeat because in the strict military sense of the word, the battle was lost. I say triumphant because in that greater sense of the ultimate in devotion to an ideal, these men won their war and they assured the independence of the Republic of Texas; by their actions and by their demonstrated dedication they gave to the people of Texas a sense of unity and a feeling of common purpose which in later years was to assure Texas independence and the later entry of Texas into the United States of America. The actions of these men and again their demonstrated dedication placed forever in the pages of the book of the American heritage that great cry, "Remember The Alamo".

The ideal to which I have referred is freedom. Freedom for the individual to live his or her own life as he or she wishes to live it. Freedom for a nation to determine its own destiny. You and I, ladies and gentlemen, have a great stake in this freedom—this American freedom. In fact the entire free world has a great stake in American freedom. Unfortunately for many Americans, freedom is an abstraction. It becomes a reality for them only when it is about to be denied to them. Since most of us do not know what it really means to live without freedom, it is not surprising to me that some Americans take freedom for granted. This is extremely dangerous.

Of equal danger is to confuse freedom with license. History shows us that when freedom or liberty becomes license, freedom from want becomes freedom from work. Freedom of worship becomes freedom from worship. Freedom of speech becomes freedom from truth and freedom from fear becomes freedom from duty.

Just as there are two sides to every story, so there are two sides to freedom. It can be used or it can be abused: for it is not enough for one to enjoy many rights, what is needed is for all of us clearly to understand that in order for one to enjoy rights one must be willing to accept and discharge responsibility.

History is filled with accounts of great and wealthy nations which have lost their perspective. These nations have become so interested in self-gratification that they eventually have become unable to cope with hardship. History further shows that each of these nations without exception has been swallowed by other nations less wealthy and less secure but nonetheless nations willing to undergo hardship in order to achieve their goals.

Surely this points out to you and to me that you and I have an obligation—a great obligation to re-invigorate our freedom. We must not permit patriotism to become an out-moded virtue. We must not give in to complacency, cynicism or indifference, we must not permit political privilege to become a biological right.

If the men of the Alamo could stand beside me here this afternoon, I am certain that each of them would agree with me when I say all Americans must realize that freedom is not free; for although we are the inheritors of freedom, unless we protect this gift, believe in it, and cherish it, we stand a fine chance of losing it.

The strength which will sustain America in times of crisis will come from guns, ships, missiles and aircraft—Yes. But the real strength, the fundamental strength required to sustain America must come from men, M-E-N. Well educated, well trained, dedicated men. Men of honor, of faith and of loyalty and men of stamina, determination and courage. These are not easy attainments but the lives of our dedicated citizens have never been easy.

In closing, may I say this. You and I were born to be free. We are free. I must state, however, that no one present here this afternoon, no one present today in the State of Texas, no one present today in these United States had anything whatsoever to do with the attainment of American freedom. Your father my father and their fathers before them attained freedom for us and handed freedom to us literally upon a silver platter. It seems to me that the very least you and every other citizen of this great nation can do is to see to it that we do our share as concerns the maintenance and protection of American freedom. Not for us—but for our kids and our kids' kids, and the many thousands of Americans yet to come along. In my judgment, there is no greater responsibility.

So ladies and gentlemen if we keep the faith—if we uphold the traditions of the men of the Alamo we will have met the challenge. By believing, working and living in the cause of freedom, we can justify the sacrifice made by the men of the Alamo. In this way, and only in this way, can we be assured that these brave men will not have died in vain.

STRATEGY OF OEO IN SEEKING ULTIMATE VICTORY IN WAR ON POVERTY

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, A recent editorial in the San Antonio Express summarizes briefly and effectively the strategy of the Office of Economic Opportunity in seeking ultimate victory in a war on poverty. The editorial illustrates how Headstart and Job Corps programs work not only to brighten the prospects of youngsters from poor families but to eliminate poverty in the process. Headstart outfits preschool children with improved cultural, intellectual, and physical development which will serve them well throughout their formative years. The Job Corps accepts enrollees who never had a Headstart opportunity and, as a result, are ill equipped for jobs without thorough retraining, education, and even medical care. With an insight that should be instructive to each of us as the Congress prepares to renew its commitment to the war on poverty, the editorial states:

If Headstart fulfills its hopes, the Job Corps can be temporary.

This remedial approach of OEO forms the essence of the antipoverty effort. I know the San Antonio Express editorial, which follows, will be of interest to my colleagues:

PEOPLE-HELPING PROGRAMS SHOW POVERTY CAN BE DIMINISHED

Two national programs aimed at making inroads on poverty have now had time enough to produce some "directional" statistics. Head Start and the Job Corps are working and getting good results.

Head Start is working with 1.3 million youngsters aged 4 and 5 years. Job Corps has enrolled 75,410 young persons aged 16 through 21.

Of those Job Corps trainees who finished their training, 53 per cent have regular jobs averaging $1.71 an hour. Ten per cent returned to school and seven per cent joined the military forces. The others "washed out."

Job Corps Director William P. Kelly reports "tighter and stronger management" and that trainees are staying in the training centers two months longer than the average of four months of last year. The average trainee had eight years of schooling and a fifth-grade ability in reading and mathematics. The program "graduates" 5,000 trained men a month from 115 centers.

Cost of the training has been reduced from $8,740 to $6,950 a year. Congress set a maximum of $7,500 a year for the training.

Head Start is operating in 2,400 communities, trying to give youngsters motivation and self-confidence, along with basic education aimed at overcoming handicaps of their environment. Results now observable show that capable children can make substantial improvement in their skills and, as important, in their attitudes.

If Head Start fulfills its hopes, the Job Corps can be temporary.

CASUALTIES IN VIETNAM

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to

the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, today my office completed a survey concerning the fatal casualties from Texas caused by hostile action in Vietnam this year. I believe that certain facts uncovered by this survey should be of interest to my fellow Congressmen.

One hundred and eighty-four men from Texas have died in Vietnam since January 1, 1967. Of these men, 60 were of Spanish surname; that is to say, 33 percent of the men who gave their lives were of Spanish surname, whereas only 14.8 percent of the population of Texas is of Spanish surname.

It is difficult to say whether this disparity is caused by a high number of enlistees among the Latin groups or not. Fifty percent of the Spanish surnamed dead were in the Marines. This would imply that approximately one half of the Latin dead had enlisted, but it is important to remember that the Marine Corps has received 19,030 men through the Selective Service System since November of 1965.

The disparity between the percentage of Spanish surnamed in the casualty list and the percentage of that group in the population is also evident in the district which I represent where 41 percent of the population is of Spanish surname and a remarkable 72 percent of the fatal casualties were of Spanish surname.

Mr. Speaker, I bring these facts to the attention of this body so it can see, with graphic detail, the large sacrifice the people of this country with Spanish surname are paying in order to further our cause in Vietnam:

One hundred eighty-four have died; 60 of dead were of Spanish surname.

Fourteen and eight-tenths percent of Texas is of Spanish surname; 33 percent of dead were of Spanish surname.

Twenty-five of Texas dead were from San Antonio; 18 of San Antonio dead were of Spanish surname.

Forty-one percent of San Antonio population is of Spanish surname; 72 percent of San Antonio dead were of Spanish surname.

Ninety-two of the dead were from the Army; 80 of the dead were from the Marines; eight of the dead were from the Air Force; and four of the dead were from the Navy.

Twenty-nine of Spanish surname dead were from the Army; 30 of Spanish surname dead were from the Marines; one of Spanish surname dead was from the Navy.

Fifty percent of Texas dead were from the Army; 48 percent of Spanish surname dead were from the Army.

Forty-four percent of Texas dead were from the Marines; 50 percent of Spanish surname dead were from the Marines.

BUSINESSMEN ARE MISSING A BET: RENT SUPPLEMENTS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, a tragic distortion of the meaning of a Federal program has nearly scuttled an effort on the part of the administration to get private enterprise into the action of cleaning up urban housing problems of low-income citizens.

Just as one group massed behind a mortgage supplement program for the lower middle income group proposed by Senator PERCY, others joined with many who did not study the private enterprise oriented rent supplement program, in efforts to kill it.

Who suffers? Right now it's the businessman deprived of an opportunity to make a legitimate profit, local government deprived of new sources of tax revenue and, of course, the poor who, it seems, must always suffer.

The rent supplement program was enacted as part of the Housing and Urban Development Act of 1965 to mobilize the resources of private enterprise in addressing the urgent needs of low-income families for decent housing.

In behalf of persons whose incomes do not exceed those eligible for public housing, rent supplements are paid to the project owners. Supplements may not exceed 70 percent of the economic rent, and the occupant must pay 25 percent of his income toward rental.

In addition to the income requirement, the eligible tenant must be over 62 years old, physically handicapped, occupying substandard housing, or displaced from his previous dwelling by government action or natural disaster.

Four significant facts must have been overlooked by sincere supporters of the free enterprise system:

First. By paying supplements to the owners who, with FHA-insured private financing, construct and operate the projects, the program will stimulate and rely upon private enterprise in a free-market economy. This is not a rent dole to disadvantaged slum dwellers.

Second. This program will help thousands of our citizens to lift themselves from substandard accommodations, and in so doing promote the efforts of local communities to remove blight and squalor.

Third. Rent supplements will not impair individual incentive for self-improvement. A tenant will be allowed to remain in his project even though his rising income may reduce or eliminate the supplement for his unit.

Fourth. The program is designed to increase the supply of suitable housing for low-income families, constructed or rehabilitated under private auspices.

Instead of being a "radical, revolutionary gimmick" as one opponent described it, it is a challenge to business and to the housing industry to get into the act of rebuilding American cities by building housing where the people are in the city.

Looked upon as a sinister plot to implement integration by some, it just is not so. Conservative, business-oriented trade groups like the mortgage bankers, home builders and the realtors just cannot understand Congressmen who say they are for private enterprise and vote against a profit for the businessman.

If the people would only think of this program as a private enterprise incentive program for low-income housing, perhaps some opposition would disappear, and the hostility to the program would assume its true perspective as a cruel hoax on the businessman, the poor and on tax-starved local government.

Mr. Speaker, we have heard repeated pleas that America should enlist the resources of the business community in the solution of the massive problems confronting our urban areas. If our ears are attuned to the communities back home, we have heard the erosion of local tax base lamented by municipal officials and taxpayers alike.

I sincerely hope, Mr. Speaker, that the business community, local municipal officials, and private citizens will give this program honest assessment. If they do, there is sufficient time for them to appeal to both Houses of Congress to correct a mistake by reviving rent supplements. The hour is late but not too late.

MR. KOSYGIN AND MR. JOHNSON

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, yesterday, President Johnson set out in clear terms and with unmistakable precision the means our Government feels necessary to reach the goals of peace and freedom in the Middle East. The rights and duties he declared are certainly not new to the international relations. We have always urged territorial integrity, justice for refugees, innocent maritime passage, controls on arms assistance, and national political independence. These are not innovative ideas in American foreign policy.

In sharp contrast, Premier Kosygin's speech bristled with barbs of condemnation and reproach. The Russian Premier sought to cast undue blame on Israel and called for imposition of impossible and unwarranted preconditions to peace. There should be little doubt of who spoke for peace and who spoke for continued conflict.

Hopefully, however, Premier Kosygin's speech to the General Assembly was meant to soothe the wounds, both psychological and physical suffered by his Arab allies, and, hopefully, that outburst is finished. For there now exists an urgent and all-encompassing task to build a lasting and meaningful peace in not only the Mideast but throughout the world.

Mr. Speaker, the President's speech represented to me a high point of concern and compassion for the peoples of the Mideast, and I believe that President Johnson deserves every word of praise he should and will receive. He has again

shown his real and unqualified understanding of the pressing need for peace in the world.

I wish to include at this point in the RECORD a copy of the editorial from today's New York Times which well contrasts the remarks of President Johnson and Premier Kosygin.

MR. KOSYGIN AND MR. JOHNSON

Since the hope had been so slight that he would show some genuine statesmanship in his address to the General Assembly yesterday, it cannot be said that Premier Kosygin's sterile and pedestrian performance was much of a disappointment. It can only be said that Mr. Kosygin failed in his responsibility as leader of one of the most powerful states on earth by rejecting this opportunity to advance the peace of the world in general and of the Middle East in particular.

This does not mean that the doors are automatically closed to an eventual peaceful and just settlement of the Arab-Israel question; but it does mean that Premier Kosygin did little yesterday—in striking contrast to President Johnson—to keep them open. It also means that the Soviet Premier felt it necessary to stand before the world tribunal and engage, in his quiet way, in a transparent distortion of history, in crude vilification, in crass propaganda in order to prove to the Arab states that the Soviet Union, after all, really is their friend. Without flamboyance, without emotion, the Premier of the Soviet Union nevertheless harshly reiterated the almost entirely negative position taken previously by his representative in the Security Council, a demand for return of the *status quo ante*, which could only insure an indefinite continuance of bloody turmoil throughout the Middle East.

A slight ray of hope that Mr. Kosygin might be willing, despite his public posture, to undertake some realistic discussions lies in the few phrases of his speech suggesting readiness "to work together [for justice and peace] with other countries," with special reference to "the Big Powers." This is small evidence to go on; but the inclusion of such phrases could conceivably be significant.

In contrast to the generally obdurate and accusatory line of the Soviet Premier, the President of the United States set forth a reasonable approach to the Middle East problem. Employing dignified and measured language, Mr. Johnson addressed himself not to a false reconstruction of the past, as did Mr. Kosygin, but to a realistic program for the future. We only regret that he did not come to New York to make his speech before the General Assembly.

The establishment of conditions for a lasting peace between Israel and the Arab states is the basic American concern, premised of course on the recognition that Israel not only has the right to live, but is going to go on living. Once that fact is accepted, the other pieces of the puzzle can be made to fit together—but only if the Arab states can be persuaded to accept it. The Soviet Union could do much, if it would, to persuade them. Then, and only then, the refugee problem, the arms problem, the water problem, the boundary problem, the free-passage problem and the troop-withdrawal problem would be capable of solution.

The President stressed that the United States is ready to see any method of peacemaking tried, both in and outside the United Nations, and among any or all parties. He gives the impression of "playing it cool," which is just about the best way for the United States to act in a situation that has been far too hot too long. What is called for at the moment is no precipitate action by the victorious Israelis in respect to Jerusalem or anywhere else, by the Arabs in the desperation of their defeat, or by the great powers in maneuvering for position. This is, as Mr. Johnson suggested, a time for magnanimity by the victors, for patience by the vanquished, and for vision by the Parliament of Man.

AMERICA'S CRUCIAL LESSON

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BINGHAM. Mr. Speaker, the Commissioner of Education, Harold Howe, recently gave the commencement address at Shaw University in Raleigh, N.C.

I think the Commissioner's message to the Shaw graduates deserves wider attention, and I hope Members of Congress will take a few moments to read it and I now insert it in the RECORD:

AMERICA'S CRUCIAL LESSON [1]

(An address by Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare)

First of all I want to tell you how pleased I am to be here. My two years of residence in North Carolina brought me an acquaintance with its countryside and its people—and this opportunity to renew that acquaintance is a great personal pleasure. It is more than that—it is a chance to express my appreciation to many people who have helped me to understand some of the problems of America, problems about which I shall speak at greater length today.

Another reason I am glad to be here stems from a brochure about Shaw University which I saw just recently. Its opening paragraphs read as follows:

"In 1963, when Dr. James E. Cheek came to Raleigh to assume the presidency of Shaw University, there was justifiable reason to wonder why he bothered to come at all. The century-old private school was some $300,000 in debt; most of the buildings were in an advanced state of deterioration; student and faculty morale was at an all-time low; and the school's accreditation was about to be removed.

"Some people thought that Dr. Cheek had come to Shaw to supervise the orderly liquidation of the aged college."

Such candor is rarely encountered in publications sponsored by educational institutions. As one who has read a great number of them, I can tell you that the usual college catalog leaves the impression that there are only three eminent institutions of higher education in the western hemisphere: Oxford, Cambridge, and Apex State Teachers College. And Oxford and Cambridge, one reads between the lines of the catalog, keep looking nervously over their shoulders in jealous and frightened appraisal of each new academic triumph registered by Apex. It is refreshing almost to the point of shock to have a college or university forthrightly admit that it has problems. I suspect that homely truth pungently expressed remains the best kind of public relations.

It is now apparent to anyone who has the least acquaintance with Shaw that Dr. Cheek did not come to Raleigh to preside over the orderly liquidation of anything. In the past four years, he has shaped a provocative, distinctive educational program of which this graduating class is the first product.

The point I wish to stress, however, is that I was most attracted by the institutional honesty exemplified in that brochure. Today I want to try to match that candor by being candid with you in my remarks about our most agonizing domestic problem: racial justice in the United States. It is a problem to which I have had some exposure during the past couple of years although I am a strict amateur in it compared to most of you.

Our contemporary civil rights movement is comparatively new. Although such organizations as the National Association for the Advancement of Colored People and the Urban League have been working to improve the condition of the American Negro for decades, it was not until the middle 1950's that the civil rights movement took on a new direction and urgency as the result of the Brown decision by the Supreme Court. Every American is familiar with such names as Selma, Montgomery, and Birmingham, and their significance for the rights of Negro Americans.

It may interest you to know, however, that the revitalized civil rights movement had significant origins here in North Carolina. Four Negro college freshmen helped give it birth by deciding one night in their dormitory that they had had enough of gradualism. The next day, they walked into a dime store in Greensboro, sat down at the lunch counter, and ordered a cup of coffee.

That simple request—denied first by a white woman and then by an anxious Negro woman, both employees of the store—led within months to similar demonstrations in cities throughout the North and South. It led too, to a melancholy sequence of retaliation. The extraordinary courage with which civil rights demonstrators met violence, refusing to let hatred push them to reciprocal violence, finally touched the conscience of this Nation and resulted in changes which might have taken decades to produce without the demonstrated self-sacrifice of young men and women who were clearly seeking the rights which were theirs under the law but denied in practice. They succeeded in arousing the conscience of this Nation, and they focused that conscience in a way which produced the Civil Rights Act of 1964.

That Act was a genuine triumph for the American political system, proving that a majority, if properly awakened, can vote to safeguard the rights of a minority. It represented a major change in ways of thinking and feeling—a change which was 100 years overdue.

And perhaps because this beginning of social reform exhausted so much emotion, many white Americans felt that by supporting this single piece of legislation, they had done all that could be expected of them. They seemed to conclude that the civil rights revolution was over, and that our society could once again relax in the conviction that racial equality would inevitably proceed from an act of Congress.

Now we know that the passage of laws will not alone solve a problem with a history as long and agonizing as the denial of equal opportunity to our Negro citizens. Slow, patient effort is necessary to bring the law into operation, to determine through the courts what it means and what it does not mean, and to help people make those adjustments in accustomed practice which the law requires. To those whose expectations have been raised, the demand for further patience, for a renewed gradualism, has seemed unreasonable and at times unbearable. They have sought new ways of expressing their demands, and particularly in our cities, their understandable frustrations have sometimes turned to violence.

The dimensions of that violence have been astonishing; and yet no one, it seems to me, can realistically profess astonishment at its outbreak. Negro frustration has been simmering for years, and Negro requests for justice have for the most part been met by apathy at best and repression at worst. Hav-

[1] At the 102nd Annual Commencement Exercises, Shaw University, Raleigh, North Carolina, 3 p.m., Sunday, June 11, 1967.

ing sown the wind, America is now reaping the whirlwind.

The roots of this violence are easy to find, but I do not see how any sane man, white or Negro, can maintain that it will lead to further progress toward racial equality. It is clear that millions of white Americans who supported the civil rights movement in the early 1960's have since become disenchanted with the direction of that movement and particularly with the excesses of racial disturbance throughout the land. Some Negroes counter by saying that the violence in our cities has not really changed any white minds; it has merely provided them with a convenient excuse for *claiming* that they have altered their viewpoints.

That may be. The essential point, however, is that in a democracy, the majority rules; and in this imperfect Nation of imperfect humans, we cannot expect the mass of whites to tolerate violence indefinitely, even though their own past action or lack of it may have contributed to racial disturbance. Continuing violence in our cities will inevitably lead to sharp repression and to white resentment that they may wipe out many of the civil rights gains we have achieved.

I do not state this belief as a threat, merely as a hard fact which all of us should recognize. We must keep in mind the final goal, which is that of equal opportunity in every facet of American life. The destruction of property may give vent to long pent-up feelings, but it does not advance justice. As in every other variety of human struggle, it is possible in the struggle for civil rights to win the battle but lose the war.

I do not come before you today simply to advise you against violence, for violence is one of the obstinate conditions of mankind, particularly among the frustrated and immature and uneducated, irrespective of race. But I do want to place before you my concern that as you leave this place of learning—as you build your life and raise a family, and as you continue to confront the problem of racial injustice—that you not allow short-sighted points of view to drive a wedge between you and the millions of white Americans who sincerely want to lift the blight of racism from our Nation.

In the past few years, as the advocates of violence have raised their voices over the quieter insistence of the earlier civil rights demonstrators, we have been introduced to the concept of "black power." The definition of black power depends upon the man who is doing the defining.

At one end of the spectrum of definition, black power means a concerted effort by Negroes to focus their votes and their purchasing power to influence legislation and employment opportunities. It means a demand for introducing Negro history into our textbooks, so that white and Negro children alike will realize that the American Negro fought for and paid for a country which has long ignored his just claim to full citizenship and full respect. It means a demand for better schools, so that Negro youngsters do not begin their working lives with the handicap of inferior education.

All these demands are fully justified. They mean that the American Negro intends to take advantage of the political, economic, and social weapons to which his citizenship entitles him.

But at the other end of the spectrum, black power means separatism, a sharp division between Negroes and whites. It is a kind of racism in reverse. Human reactions being what they are, it is easy to understand why the concept of separatism should have gained support. But regardless of the many justifications which might be advanced to support it, this form of black power seems to me to promise only greater frustration and greater agony. It will perpetuate the ghetto, not eliminate it. It will harden the divisions between the races just when we have some reason for believing that American Negro and American white are closing the gap that separates them. Perhaps most important, it postpones the day of ultimate victory—the day when a man's achievement is circumscribed only by his personal merit.

As college graduates, you have an opportunity denied the uneducated masses of frustrated Negroes living in our rural and urban ghettoes. You can use your education to break out of the economic and social circumstances which always consign the illiterate and the poorly educated to lives of unfulfilled hope and purposeless longing. For education makes it possible for a man to expand his sympathies, to achieve a feeling of confidence in himself even in new and strange circumstances.

Every one of us is born with a set of social limitations. Each of us is born into a specific community, into a specific circle of family and friends. Because this community is familiar to us, because it represents security, to step outside this comfortable circle and risk an encounter with the new and strange requires considerable courage. If a man is satisfied with his present mode of life, of course, there is no reason for him to gamble.

I doubt that many of you here are satisfied with the normal prospects for life as Negroes in America. Your futures must surely seem circumscribed by a dozen forms of racial discrimination that limit you in your choice of jobs, your choice of homes, your choice of horizons.

And yet the very fact that these limitations exist makes it all the more important, for you and for the children you will have, that you determine to break out of the boundaries prescribed for you by racist attitudes. Under normal circumstances, the white college graduate of average intelligence can in general look forward to a reasonably comfortable working career without relentlessly extraordinary exertion on his part. As long as he shaves every day, puts on a clean shirt every morning, and applies himself to his job with an acceptable amount of conscientiousness, he can expect rather steady advancement and a gradually increasing income.

The Negro college graduate has no ground for similar complacent optimism. If he is employed by a white corporation, he may very well wonder whether he was hired on the strength of his abilities or on the desire of the company to exhibit a token Negro here and there as proof of its progressive attitudes. He can wonder how far he will advance; he can with cause suspect that there is an unstated but nonetheless definite limit to his salary and his responsibilities. He can expect snubs from hostile whites and embarrassment from the well-meaning coworker whose exaggerated friendliness has a phony air about it.

Such a gloomy prospect might well make any educated Negro despair of white America, and tempt him to remain at home, in the black America in which he was born and raised.

But some American Negroes have not given up. They have continued to direct their heads and their hearts and their abilities against the barriers of white ignorance and resistance until they have broken through, to better jobs, better homes, and better lives. In doing so, they have opened doors for other Negroes, and they have helped to clear the road their own sons and daughters will have to travel.

And their courage, finally, has made it easier for white Americans to accept Negroes as countrymen entitled to full citizenship. You must realize that what appears to you as white hostility is sometimes nothing more complex than white ignorance. White children and Negro children grow up segregated from each other. They assume that segregation implies some kind of dangerous difference, and not understanding that difference, they fear it. You must realize that millions of whites are not only interested in eliminating racial injustice, but are positively anxious to do so. The problem is that they do not know how to go about it.

You must teach them. One of the paradoxes of the civil rights problem is that the traditional denial of opportunity to the Negro has offered the white an unparalleled opportunity to learn, to grow, to develop and mature. Some whites regret the fact that 11 percent of the population is Negro—not because they resent Negroes, but because they feel that a sizeable Negro minority in the United States has presented us with a social dilemma other nations have not had to confront.

A more perceptive view, it seems to me, is that this dilemma is one of the most fortunate things that could have happened to the United States. A colleague of mine at the Office of Education recently speculated on the course of American history for the next 100 years and concluded that world leadership during this period would depend on the degree to which the people of our Nation learn to understand the desires and sensitivities of other populations, three-fourths of which are not white. He continued his speculation with this observation:

"We in the United States have an unmatched opportunity to learn to live together with other races and nationalities. If we can, we can lead the world. If we can't, we can expect to be pushed aside. I have a hunch our Negroes may be saving our lives in the long run by pressing for integration now. I hope they keep it up relentlessly. I hope the Mexican-Americans, Indian-Americans, and Puerto Ricans get in there and push, too. But mainly I hope we of the white majority can see what a great chance we have to develop a competence that will become ever more essential, not just in international relations but in government and business as well."

My colleague ended his crystal-ball gazing with a hypothetical question: "Do you want your child to be with it in the next generation? Then get him out of that all-white school."

The question was obviously addressed to white parents, but it has the same implications for Negro parents.

I hope, however, that you will not wait until you are parents before you accept the other implications of this brief guess at the history of the future. Strong and prosperous as America seems today, it is destined for slow decline unless all of us learn to live with each other.

White Americans and Negro Americans are all sitting in the same big classroom. We have a most difficult lesson to learn, and you must help teach us.

VAN DEERLIN EXPLAINS HIS VOTE AGAINST THE CONFERENCE REPORT ON S. 1432

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. VAN DEERLIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, as one who spent nearly 4 years in uniform under wartime selective service, I feel I can claim an insider's understanding of the mysterious workings of the draft.

Nevertheless, I think I owe the House an explanation for my vote today against the conference report on S. 1432.

On May 25, when the House first considered S. 1432, the Draft Act extension, I voted for the bill—in hopes that the measure would be approved in an ensuing House-Senate conference.

Unfortunately, this was not done. If anything, the conferees weakened the bill by watering down the House-approved provision that would have required the President to set national criteria for the draft.

In fact, Congress has made very few significant adjustments in a Selective Service System which, in my view at least, has become distinctly creaky over the past quarter century.

We have failed, I believe, to update the Selective Service Act sufficiently to meet the changing requirements of the times. Our Armed Forces today require a different sort of young man than they needed 25 years ago; yet the legislation we have passed today does not really seem to acknowledge this.

In addition, my constituents are expressing considerable discontent with the existing Selective Service System in their response to a questionnaire I have mailed to all homes in my district.

Returns tabulated so far indicate that significant percentages of the residents of my district favor such alternatives to the traditional draft as taking men by lottery, standardizing local draft board procedures, or making military service purely voluntary.

As the Representative of the 37th Congressional District of California, I could not in good conscience have voted for the conference report on S. 1432.

DR. BILLY GRAHAM

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOGGS. Mr. Speaker, it was the great privilege and honor of the leadership to sponsor, this past Wednesday, a luncheon in honor of the Reverend Dr. Billy Graham, one of the most distinguished evangelists our Nation has ever produced. Dr. Graham appeared with another distinguished friend of ours, Sargent Shriver, the Director of the Office of Economic Opportunity. Together they showed many of our colleagues the ways in which the war on poverty is succeeding, and how it is helping less fortunate citizens to help themselves into good jobs and decent lives. As part of their presentation, Dr. Graham and Mr. Shriver showed us a short film of the trip they recently made together to several antipoverty projects in western North Carolina, where much encouraging progress is being made in an area of great need.

Mr. Speaker, prior to the showing of this film, Dr. Billy Graham delivered some very eloquent and timely remarks which I know would be of great interest to every Member of this body.

Sargent Shriver, Congressman Albert, Congressman Boggs, Congressman Laird, Chaplain Latch, I am very delighted and privileged to be here today, to have this opportunity of meeting a great many old friends and meeting some new ones as well. And many people have asked since I've been here this afternoon, why I'm here. Is Sargent Shriver trying to convert me or am I trying to convert him? I can assure you that if he were not a Catholic, that I'd be doing my best to get him to become an evangelist because he is an evangelist.

The word evangelist in Greek means a proclaimer—one who is dedicated to a message and he's out proclaiming it. And I don't know anyone who is more dedicated to whatever program he's involved in than Sargent Shriver. I think he is one of the most able, one of the most dedicated Americans that I know today. And I began to study a few months ago the subject of poverty in the Bible. And I went through the entire Bible from Genesis to Revelation, and I got every passage in the Bible that had to do with our responsibility to the poor. And I was absolutely bowled over. I had never studied it, to my shame. I'm making a confession now. I've never studied it before. And I found that it's one of the greatest teachings in the scriptures. That we have a responsibility as a church, as a society, as people to the poor in our area.

Now, of course, the question comes as to who's poor and how do you go about it. And I remember here about the one place where they had a lot of gold and silver in the church. And they said, "Why don't you take all of this and melt it down and give it to the poor." "Oh," they said, "Christ said that the poor you'll always have with you and if we melted all this down, we figured it out, we'd only be able to give about ten cents to every person in the country, so we decided to keep it." And that's the argument many times that people use. But here's a passage and I'm not going to spread a sermon, I'm just about finished—with my introduction.

I've been with President Johnson this morning and he just gave a talk—and I was standing there enjoying the talk with all the REA people who were there—and he gave a tremendous address and I was relaxed and enjoying it and he said, "Now Dr. Graham is going to address us" and I had very little time to prepare but I prepared for this today so I can go a little longer. If there be laws—this is one—the laws that God was laying down not only for Israel but for any nation. And they have equal validity with the Ten Commandments and here's one passage from Deuteronomy that Moses said: "If there be among you a poor man who is one of thy brethren within any of thy gates in thy land, which the Lord thy God giveth thee, thy shall not harden thy heart, nor shut thine hand from thy poor brother. Thou shalt surely give unto him, and thine heart shall not be grieved"—in other words, you're not going to lose by giving when "Thou givest unto him because for this thing the Lord thy God shall bless thee in all thy affairs and all that thou puttest thy hand to. For the poor shall never cease out of the land." Now this is what Christ said. He said, the poor you're going to have with you all the time. He didn't commend it. He said, You're going to *have* them and you ought to do something *about* it. "Therefore, I command thee"—this is a command from God saying "Thou shalt open thine hand wide unto thy brother, to thy poor and to thou needy in the land." I have 175 scriptures just like that from the scriptures. And they're not taken out of context either.

And I believe that you people have done a magnificent job in appropriating funds to attack one of the greatest problems we face in this country.

Now, I go from city to city and I don't have to tell you we've got a time bomb in our cities, getting ready to go off and *it's going off*. All we have to read is the news about Tampa or about Cincinnati or Los Angeles this morning, or Boston last week. It'll be some other town next week. And I think we have a responsibility. Now, I know that when they started this, I was somewhat against it because of all the mistakes that were made and because of all I read about in a Job Corps camp up in New Jersey. I got off on the wrong foot on this and I was critical.

I'm a convert. I believe that a lot of these problems have been ironed out and I believe we have a moral and spiritual responsibility as a people to attack this problem with even greater vigor than we have thus far. And if we *don't*, I think we're going to pay for it spiritually, morally and in every phase of our society. And one of the things that impressed me about what the Office of Economic Opportunity is doing—this is not a giveaway program—I thought it was until I began to look into it and study it a little bit. It's making people help themselves. It's giving them an opportunity, it's retraining.

I visited the Job Corps camps and went to some of these places and I've seen what they're doing with some of these young people. A lot of people say, "well, it's only for the Negroes." Seventy-five percent of them are white. And they said it's for other groups. But it's for all Americans. And that is the reason this is the first time—I've been invited up here for 17 years to testify on everything under heaven. Many of you have invited me to certain committees to testify—I've never come up here in 17 years of going up and down this country preaching and testified or spoken for anything like this before, and the reason I'm doing it is not because of my friendship with Sargent Shriver. It's because I believe it. It's not because of any friendship for the President. He's asked me to serve on, I guess, a dozen different things and I've said "no." Because I felt I didn't want to get involved in anything that could be considered partisan politics. And I'm glad to see that I've got two Congressmen here today, Roy Taylor from North Carolina and Charlie Jonas from North Carolina, one a Republican and one a Democrat. Because I don't want to get involved and I don't think the poverty program ought to be involved in politics. I don't think we ought to make a political football out of it.

Well, that bell might have meant you all are supposed to go. I don't know. But we have a movie to see and this film I have not seen. I don't know what it is. Sargent Shriver is the star. And we were delighted to have him down there and one of the things that I appreciated was when we went back into those mountain coves, miles from anywhere, I wondered, how, how can Sargent Shriver, the brother-in-law of President Kennedy, a man that's known for affluency, how can he communicate with these people? He communicated. He knew how to talk their language and get right down with them. And I appreciated that. And so today, I've come up here to say "God bless you Sargent Shriver, and God bless all those associated with you."

Thank you.

DEFENSE OF MISSISSIPPI'S WORK IN BEHALF OF THE POOR AND NEEDY

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. MONTGOMERY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, in recent weeks a subcommittee of the U.S. Senate, magazine correspondents, and Harvard doctors have made statements concerning the plight of the poor and hungry in the State of Mississippi. I will be the first to admit that the poor should not be used as a political football, however, I believe the concern and efforts of my State have been misrepresented by these various statements. For this reason I would like to defend Mississippi's efforts on behalf of the poor and needy.

First, I would like to refer to the remarks of the Honorable Orville Freeman, Secretary of Agriculture, before a recent hearing of the Rural Development Subcommittee of the House Committee on Agriculture of which I am a member. The Secretary said, and I quote:

> Mississippi is the only State in the nation that has either a food stamp plan or a distribution program in every single county. Mississippi is distributing more food and reaching more people than the State of New York.

In further questioning, the Secretary indicated that the initiative of the States plays a large part in assuring that a good job is done in meeting the needs of the poor. In this regard the Secretary commended Mississippi by saying:

> There are more people in Mississippi on food stamp and direct distribution than there are in the whole State of New York, where there are ten times as many people who are hungry and in the poverty groups in New York than in the State of Mississippi.

The facts will support the Secretary's statement and Mississippi's concern for the poor. For example, Mississippi with a population of 2½ million has used $3.4 million in the food stamp program, $11.9 million in the commodity program for a total of $15.3 million. During a comparable period New York with a population of 18 million has devoted $14.9 million in Federal food programs for the support of the needy. This is not to say that all is well in Mississippi and all is bad in the State of New York.

The figures used from the State of New York were only for the sake of comparison and not in an effort to discredit or criticize. However, it does dispell those statements which insinuate that Mississippi has no regard for the poor whatsoever, and in fact points out that Mississippi is a leader among States in dealing with this problem within the framework of the existing programs. In conclusion, I would say that Mississippi can stand on the facts as to its sincere concern and regard for the needs of the poor of our State.

BONDS WORTH $45 BILLION PAID FOR TWICE WHILE TREASURY CONTINUES TO PAY $1.9 BILLION ANNUALLY IN INTEREST TO THE FEDERAL RESERVE—A NATIONAL SCANDAL

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Congress must do something about the scandal of the $45 billion worth of bonds being held in the vaults of the New York Federal Reserve Bank. We cannot afford to ignore this situation any longer.

Mr. Speaker, as a remedy to this disgrace, I plan to offer an amendment to the debt ceiling bill tomorrow—Wednesday—that would, in effect, subtract the $45 billion from our national debt. My amendment would provide that the Secretary of Treasury be prohibited from paying any obligation of the U.S. Government more than once; that the Secretary of Treasury be prohibited from paying interest on any obligation of the U.S. Government that has already been paid in full.

This amendment, of course, would deal directly with the question of the $45 billion worth of bonds being held in the Federal Reserve Bank of New York. The $45 billion worth of bonds in question are part of the Federal Open Market Committee's portfolio and they have been paid for in full once. Yet, the U.S. Treasury continues to pay $1.9 billion annually in interest on these paid-up bonds. My amendment would stop this practice.

Mr. Speaker, no one can deny this fact—they have been paid for. I give you no greater authority than William McChesney Martin himself, and I quote from a Banking and Currency Committee hearing, dated July 6, 1965:

> Mr. MARTIN. The bonds were paid for in the normal course of business.
>
> The CHAIRMAN. That is right.
>
> Mr. MARTIN. And that is the only time they were paid for.
>
> The CHAIRMAN. Just like we pay debt with checks and credit.
>
> Mr. MARTIN. Exactly.
>
> The CHAIRMAN. In the normal course of business they were paid for once. You will admit that, will you not? They were paid for once and that's all?
>
> Mr. MARTIN. They were paid for once and that's all.
>
> The CHAIRMAN. That's right.

Mr. Speaker, in considering these $45 billion worth of paid-up bonds, we should ask ourselves these questions:

Why should the American taxpayers be compelled to pay interest on bonds that have already been paid for in full?

Why should the American taxpayers be required to pay for these bonds again?

Why should these bonds continue to be charged against the national debt when they have already been paid in full?

When the previous debt ceiling bill was before the House 2 weeks ago, there was much discussion about fiscal management and about saving the taxpayers' money. I agree fully with the idea that the taxpayers' money should not be wasted and I suggest that we begin by cutting out the unnecessary waste that is so obvious in connection with these $45 billion worth of paid-up bonds. The cancellation of these bonds and the prohibition of interest payments on paid-up bonds should give the American people some real assurance that we are interested in good fiscal and monetary management.

The collection of this $45 billion worth of paid-up bonds is one of the monstrous frauds of our Federal Reserve System. These bonds have been piled up as part of the Federal Open Market Committee's portfolio, which is operated and controlled out of the New York Federal Reserve Bank.

Each year, the Federal Reserve System—basking in the glory of its seized independence—sends the U.S. Treasury a bill for $1.9 billion in interest on these bonds—again, bonds that have been paid for once, and the U.S. Treasury obligingly sends off the check for $1.9 billion.

Mr. Speaker, can anyone on this floor support the idea of paying interest on an obligation that has been completely paid up? I know of no parallel anywhere. Does anyone continue to pay interest to their bank after they have paid for their automobile in full?

This is an absurd situation which the Congress has allowed to develop through the years. Mr. Speaker, it would indeed be difficult for any Member of this body to explain to the American voters just why we have allowed this to go on. I do not think there is a congressional district in this country where the people—regardless of their political leanings—would approve of paying a debt twice.

This is just like an individual who engages a broker to pay off his mortgage, and then finds that the broker, after paying the mortgage holder, has retained the mortgage for himself, continuing to collect the interest, and asserting the right to come around and collect the principal again when the mortgage matures.

To my knowledge, no one has questioned the obvious—that these bonds have been paid for once.

Mr. Speaker, I have already quoted from the July 6, 1965, hearing of the Banking and Currency Committee in which Chairman Martin, of the Federal Reserve Board, admitted—unequivocably—that the bonds held in the Federal Reserve Bank of New York had been paid for once. This is just one of many occasions on which Federal Reserve officials have admitted that these bonds have been paid in full.

For example, Mr. Speaker, I quote from hearings before the Subcommittee on Economic Stabilization of the Joint Economic Committee, December 10 and 11,

1956. At that time, the total sum of paid-up bonds was smaller, but the facts surrounding their purchase are the same, I quote:

Chairman PATMAN. And every one of those notes that you trade for those bonds of the Government says on its face that it is an obligation of the United States Government?

Mr. MARTIN. That is correct.

Chairman PATMAN. And that is what makes it good.

Mr. MARTIN. That is right.

Chairman PATMAN. Now then, whenever you take that Government obligation from the Bureau of Engraving and Printing and you trade it for $24 billion worth of bonds which you have, and you have those bonds now, you draw interest on those bonds, do you not?

Mr. MARTIN. We do.

Chairman PATMAN. About $600 million a year; and, although you traded one Government obligation for it, you keep the bonds and you do not cancel them. They pay interest, and you use that $600 million in any way that is allowed by law, for administrative purposes in the operation of the Reserve banks. And then, of course, after all the deductions have been made, why, you pay 90 per cent of the remainder into the Treasury of the United States?

Mr. MARTIN. That is correct.

Mr. Speaker, I quote further from this same hearing in which we questioned several Federal Reserve officials, including Robert G. Rouse, manager of the Federal Reserve System's Open Market Account:

Chairman PATMAN. But the truth is, all the bonds that you have—and you have about $25 billion worth of bonds, do you not?

Mr. ROUSE. Something less than that; yes, sir.

Chairman PATMAN. Every one of those bonds have been bought, not on the resources of the Federal Reserve banks, but on the credit of the Nation by exchanging Federal Reserve notes for them, have they not?

Mr. ROUSE. Yes; they are bought by the—out of Federal Reserve funds.

Chairman PATMAN. No; you are mistaken there, are you not? You do not say that they are bought with Federal Reserve funds. The money is created by those bonds. Do you not understand that?

Mr. ROUSE. It is created—yes, indirectly.

Chairman PATMAN. Well, directly.

In other words, if you buy bonds, you must pay for them, and those $24 billion worth of bonds were paid for, but not by Federal Reserve bank funds; they were paid for by Federal Reserve notes.

Now, I will not insist on your answering that. I will ask Mr. Martin to answer that.

Is that not correct, Mr. Martin?

Mr. MARTIN. It would be the same thing, sir.

Mr. Speaker, I also quote from a hearing by the Joint Economic Committee in February 1952, in which Senator Douglas questioned Mr. Martin:

Senator DOUGLAS. When the Open Market Committee buys Government bonds, how are these bonds paid for?

Mr. MARTIN. They are paid for by a check, by deposit.

Senator DOUGLAS. You mean that the banks, the Federal Reserve banks, create credit——

Mr. MARTIN. That is right, sir.

Senator DOUGLAS (continuing). With which they buy Government bonds from private parties.

Mr. MARTIN. That is right, sir.

Mr. Speaker, these are but a few of many examples of the concrete proof that these bonds have been paid for in full. There is simply no question whatsoever.

The only question that remains—what is the Congress going to do about this situation? I hope the Congress will face up to its responsibility and prevent the Treasury from paying debts twice and from paying interest on debts that have already been paid.

THE CHURCH AND THE POVERTY WAR

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALBERT. Mr. Speaker, I want to call to the attention of the Members a timely interview appearing in the June 1967 issue of the Southern Baptist Convention monthly publication, Home Missions, entitled "The Church and the Poverty War." The text of the interview with the Director of the Office of Economic Opportunity, Sargent Shriver, follows:

SHRIVER INTERVIEW: THE CHURCH AND THE POVERTY WAR

SHRIVER. From the beginning of this effort, nearly all religious groups have been overwhelmingly in favor of what we are attempting. And of course, the assistance of Southern Baptists, in particular the Home Mission Board, is extremely important in getting a successful "war on poverty" not only launched but concluded. The original legislation passed by Congress specifically stated we were to mobilize all of the resources of the American people. Some think that means governmental resources—the federal government, state government, municipal government—but I never interpreted it that way. I read it literally. And to me that meant, as in any other total war, you use volunteers; you use religious groups; you use old ladies who can wrap bandages and maybe nothing else; you use invalids who can write letters and maybe nothing else. And as a consequence, we have attempted, not always successfully, to mobilize or energize every institution and every group in our nation who is willing to participate, and none, in my judgment, is more important than the religious groups.

KNIGHT. How is the term "war on poverty" used? Has the phrase changed its meaning any?

SHRIVER. No, I don't think it has. Some newspapers write that people don't speak so much any longer about a war against poverty. We haven't had the funds, the finances, for a truly total war against poverty with costs of many billions, just like a total military war costs many billions. The newspapers claim that instead of a war, this is more like a skirmish. We're continually pressing toward a total war. We have a total war plan and we hope to have a day in our country when we can as a nation mobilize the money as well as the people.

KNIGHT. How would you break down the figure of 34 million poor into racial, ethnic or other groupings?

SHRIVER. Well, I'm not sure that I have all those figures at the tip of my tongue. For example, it's about 45 percent rural as compared to urban. It's about 75 percent white, as compared to all other minorities like the Negro minority, or Mexican-American or Spanish-speaking, Puerto Rican minority. The 34 million was a figure, incidentally, from a few years ago. We now have 32 million—about 15 million of them are either teen-agers or children, which is an appalling fact. Certainly no one can claim that they have failed to utilize the advantages, that they are all drunks, for example, or that they're all lazy, or that they're all taking dope, or that they're all beyond redemption. And that is one of the reasons that much of our effort is directed toward young people with the obvious hope that if we can help them now they can help themselves for the rest of their lives.

KNIGHT. Isn't there a large segment of older people as well?

SHRIVER. Yes, but it's not nearly as large as the children. Another large group consists of women who are the heads of families. They may be widows; they may be divorced; they may be deserted. But of all the groups that group is among the poorest. In addition, there are obviously the Indians who live on reservations, of whom we now have about 550,000 in this nation. There are the migratory labor of whom when one adds the men, women and children together there are several million.

KNIGHT. How does the racial factor complicate your entire poverty war?

SHRIVER. Tremendously. Explicitly, some people have gotten the wrong idea—that the program is strictly for Negroes, or strictly for Mexican-Americans. Many more white people participate in this program than minority groups. But the minority group people are easy to photograph and when something goes wrong, it's easy to blame minority group people. I'm sorry to say that in the United States, the racial problem continues to make difficult whatever is attempted—if it looks as if it's helping Negroes. Now, I don't want to stigmatize the southern states. That is also true in the North, in my hometown of Chicago. When a program becomes identified in the popular mind, rightly or wrongly, as something for Negroes, you lose the support of the white people. Now, our program is not strictly for Negroes, but some people have attempted to portray it that way. Consequently, one of our biggest jobs from a communications or information point of view, is to get across to white people that the war against poverty is for their benefit as much as for the minority group. In fact, we believe that by benefiting the poorest people, white or black, we're helping everybody, rich, white or black. The poor in our nation now don't buy Ford automobiles or General Electric refrigerators. They don't contribute much to churches. They don't vote. In most communities they, therefore, are not participating. They're not helping. I sometimes say it's like a horse race. The horses go to the posts, handicapped, you know. Well, we're like a nation on whose back is being carried 30 million poor people. That is a dead weight against progress—economic, social, religious, etc. What we're trying to do is reduce the dead weight.

KNIGHT. We've had two years of experience, what fundamental lessons have these two years taught us?

SHRIVER. A number of fundamental lessons. First, that you can't lick poverty unless everybody is fighting together to combat it. You can't fight poverty by lining up the poor people against the rich people or by lining up private groups against public groups. You can't lick poverty by just one thing. There's no patent medicine cure for poverty. A poor person sometimes is like a patient in the hospital who is alleged to have multiple defects or problems. Almost any

poor person has a health problem, a housing problem, an education problem, a job problem, a family problem, et cetera. Therefore, we have to have multiplicity and a number of different weapons in this war. Another thing we've learned is that it's going to cost more than most people thought. This is not to say that it costs more than we can afford. It's going to cost more than some people anticipated because rehabilitation is always more expensive than getting the thing straight from the beginning. So, we know that it would be better for the country if we expended millions more on a program like, for example, Head Start, or other programs.

KNIGHT. Some believe that aid to the poor should be adequate only to care for animal needs—food, shelter and clothing—Does OEO have any defined position here?

SHRIVER. Yes we do. For example, we've found out that the poor, I think to quote the Bible, "they thirst after justice" just as much as they want for food. I was extremely impressed by that fact when the poor were asked what programs from our agency they wanted the most, many asked for legal services before they wanted a house. And then suddenly, I remembered that biblical quotation. It proved the veracity, the profundity of the Bible in its understanding of human nature. The people want justice as much as they want a job—so the legal services program is very helpful. Now, we've also found out that despite the fact that our nation has the greatest medical program in the history of the world, literally millions of people don't ever see any doctor. There are literally millions and millions who from their birth have never seen a pediatrician or a dentist—whose mothers have never had the service of an obstetrician or a gynecologist, who don't know what an internist is. So we have a problem of what we call delivery of the services. In business (I came here from business) it's been proven that the system of distribution of cars or food (a loaf of bread) costs as much as the system of production. Well, it isn't strange then that as a nation we're going to have to invest as much in delivering medical services as we spend in creating it. It's no good if a doctor is produced and then only sees one patient every 20 minutes of every hour. His knowledge and service is not available. It isn't delivered. So we've got new ways of delivering medical services, of delivering legal services, new ways of delivering education.

KNIGHT. What evidence is there that you've had significant participation by the poor in these decisions?

SHRIVER. The best evidence is numerical and then several other bits of evidence. First of all, literally millions of poor people have participated. For example, there have been over a million youngsters in the Neighborhood Youth Corps and over a million people in the project Head Start. The vast majority of them are all poor. The Louis Harris poll showed that among the poor people, the war on poverty was very popular (6 out of 10 Americans want it expanded).

KNIGHT. Do you see that the successful Head Start program is going to contribute permanently to the preschool education on the American scene?

SHRIVER. I think it will. Yes. I'd like to make one thing clear. I'm *not* in favor of compulsory education down to four, three, two, one. I'm not in favor of what they tried in Russia, which meant almost nationalizing the upbringing of children. One of the specific ingredients of Head Start was what we call "parent participation." The idea was that through the child we would be able to help the parents be better parents. I'm one of those who believes that the parents have the first responsibility for teaching the child. Therefore, Head Start has an ingredient (you might almost call it Home Start) which is to upgrade the parents so they are able to be better parents, better educators of their kids, better providers of health for their kids, better providers of a sense of justice for their youngsters, better providers, for example, about good work habits for their youngsters, etc. So Head Start is a community action program that helps children and their families through the use of volunteers and the provision of medical, dental, social and educational services. In fact, if we didn't have any education at all in Head Start—no pencils, no crayons or anything—it would still be worth it.

KNIGHT. It is reported that one-sixth of the federal budget is engaged in some part of the anti-poverty fight. Your agency has a budget of about $2 billion. Is there a correlation between all these federal programs?

SHRIVER. The total amount of money, according to the Bureau of the Budget, which is spent for programs dealing primarily, not exclusively, with the poor is about $22 billion. Of the $22 billion, most of that is social security which, by definition, people have earned. This is no giveaway. Second, a large part of it is for unemployment insurance which is helpful to the poor but also to people who are well-to-do, not just the poor. I want to make it really clear that those programs do not exclusively benefit poor people, nor are they aimed exclusively at poor people. Medicare, for example, for the elderly helps many old, poor people but it is not just to be added into a great big fat figure, you know, and act as if it's all for the poor. The things that have been started new in the last two or three years like Head Start, the Neighborhood Youth Corps, the Job Corps, job training—these things are directed toward the poor. They, in the aggregate, are closer to $3 or $4 billion than they are to $20–30 billion.

KNIGHT. Do you see a terminal date now for this intensive anti-poverty war?

SHRIVER. I said in 1966 that if the government and the people, let's say, were willing to put much larger sums of money to work, we could get rid of poverty in the U.S. by 1976—the 200th anniversary of the Declaration of Independence. I thought it would be a fantastic tribute to the people who created this country that 200 years after they wrote the Declaration of Independence, this nation would have eliminated poverty. It would be the first big, huge nation in the history of the world to do it. Frankly, I think that the revolutionaries who created this country in heaven looking down would themselves think that this is the greatest accomplishment we have made. It could be done, even now. But it can't be done without the expenditure of a lot more money per annum—I would say at least three times as much per annum as is now being spent. When I've said that in the past, people sort of throw up their hands in despair. But you know, without raising taxes we've spent that amount of money fighting the war in Vietnam. Yet you and I have not given up our cars or our steaks or our baked potatoes. We don't have price control. We don't have wage control. We're not in a regimented society. Our belts really have not been tightened. What I'm trying to say is that if we can find that money to fight a war in Vietnam, it's not unreasonable once the war is over, let's say, to find the same amount of money to fight the war against poverty.

KNIGHT. But isn't the reaction in Congress now really stronger against OEO than it has been in the past?

SHRIVER. It's an odd reaction. It's a funny reaction in this respect. Nobody attacks the programs run by OEO. Everybody's in favor of Head Start. Everybody's in favor of legal services for the poor, health services for the poor. Everybody's in favor of the VISTA program. Everybody's in favor of rural loans, et cetera. (You know when I say everybody, that isn't literally true. There are obviously opponents.) But if we just had a series of votes on each one of those issues, they'd go through overwhelmingly. But what is the fight? The fight is who's going to get the credit for the program. So the Republicans introduced a bill to split up the administration of these programs and to take the programs and parcel them out to other agencies of government. One Congressman said in a speech, that's like taking the Defense Department and putting the Marine Corps in one place and putting the army engineers over into the Department of Interior, taking the Air Force and putting it off by itself, and so on. It doesn't make much sense truthfully because if you're going to fight a coordinated, unified war or if you're going to plan and operate a unified effort to combat poverty, you have to have one place where that unity is accomplished. I'm not trying to say that we do it perfectly. I'm not saying that I do it perfectly. In fact, I'm sure there are others who could do it better. But that's not the issue.

KNIGHT. The administration's new bill seems to take into consideration criticism the program has received—like bringing in more local public officials.

SHRIVER. That's right, and there's two things about the bill. One, it attempts to put into law the practical experience we've gained. Second, the bill attempts to get greater coordination in Washington, strengthening the Economic Opportunity Council. That's like the Joint Chief of Staff—we have the Secretary of Labor, Secretary of HEW, Secretary of Commerce, myself and so on——

KNIGHT. This is the correlation of the whole federal area.

SHRIVER. That's right. We're attempting to strengthen that so we have better unified command.

KNIGHT. Is your bringing in local officials getting the politician's hand more in the "pork barrel"?

SHRIVER. No, it's not going to do that at all. In fact, where our program has operated most successfully local officials have been in it. That's why we have put it into the law.

KNIGHT. The anti-poverty war has psychological aspects—I notice car stickers which say, "I fight poverty. I work." Does this reflect the idea that if people would work the war would be over?

SHRIVER. It does reflect that. It also exhibits a tremendous amount of ignorance. The guy driving that car who is so sanctimonious or self-righteous as to put that on his car ought to be saying instead, "Thank God I have a job. Thank God I've got the health and education to hold the job." Most people who are poor want to work. I've never yet met a man or woman who wanted to be poor. But—they don't have the education—the health—the background. To say that "I fight poverty. I work" is a very unchristian thing. You'll find no such thought or statement anywhere in the Bible. It's a sanctimonious, self-service, and self-righteous thing.

KNIGHT. How does OEO seek to build a sense of personal responsibility in an individual for his welfare?

SHRIVER. Every program attempts to do that. A Job Corps slogan is "Work, earn, and learn." We had the same slogan for the Neighborhood Youth Corps. These are volunteer programs, so a youngster has to have the personal initiative, the personal motivation, the personal sense of responsibility to volunteer. In the case of the Job Corps he leaves home, associates with different kinds

of kids, and goes through a 60-hour workweek to make 50 bucks a month. This is not a handout program. The same is true with Head Start. A parent has to feel that he'd like his child to get this experience, and the child has to have at least enough energy and gumption to go through the experience. VISTA—the Volunteers In Service to America—is a program that requires people to volunteer. In our programs we're doing all the psychological things we know how to do to motivate them better.

KNIGHT. Does the nation's concern in this area say to these people, "We'll take care of you; you are not really responsible"?

SHRIVER. Not at all. If that's what we were doing, I'd think we ought to close up shop. What we're saying is, "You've got a chance. This may be your last chance to get ahead and make something of yourself." The slogan of the Job Corps is this: "Be Somebody." The VISTA slogan is "Help somebody be somebody." Nowhere do we leave the impression that you can just sit under a tree and bananas will fall off and be put in your hand. The great mass of American middle-class people—with incomes between $4,500 and $15,000—think we are taking their money and handing it to some ne'er-do-well, some bum, some punk and telling him, "Don't do anything. Just relax and we'll keep handing you the money." That is exactly the opposite of what we're doing. We have done the worst job of communication in this area that is possible to imagine. Conversely, a very good hatchet job has been done on us.

KNIGHT. What do you see is the role of the church in this poverty war?

SHRIVER. I just see it all over the place. First, I think the spreading of accurate information is important; what the program is. Second, is exhortation. Any religiously-motivated person—of any denomination, Christian or Jew—should be participating. Why? Because if there is anything that comes through in the Bible 100 percent, it is that you help your fellowman, especially the guy who's the poorest and is ungrateful after you've helped him. Our Lord healed 10 lepers and only one came back to thank him. He asked, "Where are the other nine?" I bet if you had the sequel to that story the others were out saying he should have not only healed us but given us five dollars in addition. There's no such thing as looking for gratitude in this business.

KNIGHT. Do you see any organized participation by the denominations?

SHRIVER. Yes I do. We have something called the Interfaith Committee in support of the war against poverty—composed of Protestants, Catholics, and Jews. We have an organization called WICS—Women In Community Service—composed of the United Church Women, the National Council of Catholic Women, the United Jewish Women, and the National Conference of Negro Women. We have many church groups that get direct help from us through community action. For example, we have the National Council of Churches running migrant labor programs for us through community action. We have churches running programs for the mentally retarded who are poor; churches participating directly in community action; ministers and priests on community action boards. The director of the war against poverty in Houston is a Protestant minister who has taken time out from direct work in a church setting to do this. A number of ministers work right here in the OEO headquarters in Washington. The director of VISTA, incidentally—a Presidential appointee—is a Southern Baptist minister, Bill Crook.

Let me go back. There is the job information and of exhortation. Young people's organizations connected with all the churches can do work here—helping the Head Start program, helping the Neighborhood Youth program, becoming VISTA volunteers. They can be hospitable to VISTA volunteers when they come to their town. They can run summer day camps. All are possible for church organizations to do while they remain church organizations. And we finance all that. There is a chart, "Where did the war against poverty go—moneywise last fiscal year?" Forty-five percent went directly to private nonprofit organizations—YMCA's, church groups, a child care center, the National Child Care Welfare Association, and so on. Of the total, three percent went for administration by OEO. Most of all the rest went either to educational institutions, business organizations, or to private nonprofit groups. So, it's a people's war, America's war, not the federal government's war.

KNIGHT. OEO has drawn up special conditions or guidelines concerning the granting of funds to religious groups. My denomination is very concerned in this area. What plan does OEO follow to insure that the conditions you impose on these transactions with church-related institutions will be adhered to?

SHRIVER. First, the special conditions were drawn up with the help of leading Baptists, as well as representatives from other religious groups. Therefore, they do coincide with the accepted beliefs of all the denominations. Second, we have an inspection department which is watching all the time for potential or actual breaches of those conditions. Third, the conditions are very well known and we have the benefit that everybody watches everybody else. I don't think the Catholics are going to get away with something in Detroit because the Protestants will be watching them. The Protestants aren't going to get away with something because the Catholics, or the Jews, or the atheists will be watching. When we make a mistake we hear about it very, very rapidly.

KNIGHT. These in addition to your own inspection team?

SHRIVER. That's right. In other words, there is no credibility gap here—no management of the news, no hiding anything. It's going on right under everybody's feet.

KNIGHT. What percentage of your grants have been challenged in relation to this church-state issue?

SHRIVER. I have explicit knowledge on that. We've had one suit brought in the summer of 1965 in Kansas challenging Head Start, and it was withdrawn. So in fact we have had no suits challenging any of our grants brought by anybody anywhere for any reason. It's a miracle because when we started everyone said we'd have hundreds of injunction actions challenging what they claimed would be our violation of church-state separation. Frankly, we're as eager not to violate that as anybody else. And because of all these "watchers," you might say, who observe what we do, we've been very fortunate that we haven't had any trouble.

KNIGHT. For the strict separationist you have outlined some areas—information, exhortation, personal participation?

SHRIVER. That's correct, but let me add to that. This is not the United States government's war. This war must be fought by individual human beings. All the government can do is make money available to help finance the efforts of local people. If it were a government war, it would fail because the government doesn't have enough money. The government represents all of us, and as the unified center where all of us can participate together, it gives us all a greater strength because we are together. All we try to do here in this war is to establish some programs, some new structures, if you will (I call them ministructures; I want them as flexible as possible) within which people can be free to do what they like.

KNIGHT. Do you have experienced resource people who would aid churches with their own programs—where finances might not be involved?

SHRIVER. Definitely, to the extent that we have people available free to help anybody organize their own programs. We're delighted when organizations do things on their own—the International Chamber of Commerce, the National Association of Manufacturers, or the Baptist Convention. It's not competitive with us or critical. If everyone took off and did nothing but fight poverty for a year, there would still be work.

KNIGHT. Do you anticipate you will stay with the war against poverty?

SHRIVER. That's up to President Johnson. I work for him.

KNIGHT. You are available?

SHRIVER. It isn't so much that. I'm a guy who feels that if you have an opportunity to serve in a program like this one or the Peace Corps, that those are almost unique, unrivaled opportunities. How many people do you know who ever get a chance to start something like the Peace Corps, or Head Start, or the Job Corps, or VISTA? I ought to really get down on my knees and thank God that I have the chance.

KNIGHT. I see you getting some of the same satisfaction out of your work as we get out of our work.

SHRIVER. I think it's the same work. The thing you're doing is through the Baptist Convention, through a church, which is the traditional way. I used to do that as a Catholic. I don't think the government should be excluded from helping or participating.

KNIGHT. We don't want the religious groups to feel, either, that now that the government is in these areas they should get out.

SHRIVER. It's interesting you mentioned that. When we started this program, the National Organization of Community Chests and Councils came to me and said, "This is going to be the end of the Community Chests and Councils. People will say, 'We don't have to give to Community Chests because the government is going to do it all.'" What actually has happened is the contributions have increased more than ever in history. Why? Because we have focused more attention on the problem of poverty.

KNIGHT. There is always a danger in an age of affluence that we will overlook the poor altogether.

SHRIVER. That's exactly what we were doing.

ANNUAL REPORT OF THE DEPARTMENT OF AGRICULTURE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALBERT. Mr. Speaker, I wish to call the attention of my colleagues to the annual report for 1966 of the Department of Agriculture which was released today by Secretary Orville L. Freeman.

A copy of the annual report and a press release relating thereto has been furnished to each Member of Congress.

The report sets forth the position of agriculture in America today and outlines our challenges for the future.

In his report, Secretary Freeman points out that surplus commodities are disappearing and that Commodity Credit Corporation investments have been sharply reduced, that realized net farm income has increased and that the programs of the Department of Agriculture have provided better diets for the American people and are helping to feed the world on an ever-expanding basis through increased exports.

Under the unanimous consent request, I include in the RECORD at this point a copy of the press release concerning the annual report, which is entitled "Agriculture's Challenge—Today and Tomorrow." The release follows:

"The year 1966 marks the end of an old era in agriculture and the beginning of a new and better one," Secretary of Agriculture Orville L. Freeman says in his Annual Report for 1966, entitled "Agriculture's Challenge—Today and Tomorrow."

In releasing the report today, Mr. Freeman said, "The new era in agriculture gives us a realistic opportunity, as well as a challenge, to set up our goals for the future. Building on the accomplishments of recent years, we can now define our objectives for tomorrow. This is the purpose of our current Agriculture/2000 project, a blueprint for action now and in the years ahead. The fact that U.S. agriculture has entered a new era makes Agriculture/2000 a realistic undertaking.

Among the 1966 advances cited by the Secretary are:

Disappearing surpluses.—"For the first time in more than a decade agriculture is now generally free of surpluses," the report says. The surpluses of wheat, feed grains, rice, milk, butter, and cheese are no more. The new cotton program, combined with increased domestic and foreign use, is cutting sharply into the cotton surplus.

Government investment sharply down.—In 1966, the Commodity Credit Corporation investment in farm commodities "fell to $4.4 billion, the lowest since 1953. CCC investment is now $4 billion below the peaks reached in 1956 and 1959."

Income sharply up.—"Realized farm net income in 1966 climbed to $16.3 billion—over $2 billion more than in 1965 and about $4½ billion more than in 1960." Net income per farm in 1966 averaged $5,024, 20 percent more than in 1965 and 70 percent above 1960. For the first time in half a century, parity of income for adequate size family farmers "is clearly in sight."

Flexible farm programs.—Farm production can now be guided and brought into balance by means of farmer self-determination with government assistance. "Under the flexible provisions of the Food and Agriculture Act of 1965, farmers are expected to bring back into 1967 production about 18 million acres, mostly wheat and feed grains, out of the 63 million acres diverted in 1966."

Rebirth in rural America.—"The revitalization of rural America continues, with more farm and nonfarm rural people enjoying pure water, better community facilities, improved schools, medical services, and an increasing number and variety of off-farm jobs." The report points out that USDA advanced $1.2 billion in loans in 1966 to more than 700,000 rural families, helping them to build new homes, establish more productive farming enterprises, and develop water and sewer systems.

Better diets.—"USDA food assistance programs now help improve diets and nutrition for 45 million Americans—school children, low-income families, and others who have inadequate diets. The Food Stamp and the Commodity Distribution Programs for needy families were available at the end of calendar 1966 in over 2,100 counties and cities in all States and the District of Columbia. More than 18 million children were served low-cost, nutritious school lunches."

Expanding exports and food aid abroad.—"Exports of farm products reached all-time highs of $6.7 billion for fiscal 1966 and $6.9 billion for the calendar year, registering gains of 10 percent and 11 percent, respectively, over the corresponding year-earlier periods." U.S. grain shipments to drought-stricken India saved 60 million persons from starvation.

Growing resource conservation.—"Conservation treatment for soil, water, timber, and wildlife was applied on over a million farms with government cost-share assistance in 1966." USDA continued to give technical assistance to nearly 3,000 local soil and water conservation districts that include about 99 percent of the nation's farms. The Department approved construction assistance to 89 watershed projects covering 6 million acres. The National Forests had a record timber harvest for the fourth consecutive year.

More consumer services.—"USDA inspected for wholesomeness and safety close to 90 percent of all the meat and poultry sold in the United States, a new record." It graded 60 percent of the meat (excluding pork) and 63 percent of the poultry sold, thus helping consumers select the qualities they needed for specific cooking purposes. Further progress was made in wiping out animal diseases, some of which are transmissible to humans. By chemical, biological, and other means the Department continued to protect fruits and vegetables against pest damage. New foods and crop varieties were developed for better living.

NEW ERA—NEW RESPONSIBILITIES

"Probably never before," the Secretary says in the report, "has the change in the position and responsibilities of American agriculture from one year to the next been so great as in 1966."

Having entered a new era, U.S. agriculture now faces new responsibilities, Mr. Freeman continues. "A great and growing agriculture must meet a great and growing array of challenges—in the countryside, in the national economy, and in the world. . . .

"We must build the American family farm into an even more productive, effective, and prosperous unit of the economy.

"We must help to revitalize and reinvigorate the whole of rural America.

"We must lead the crusade for a world free from hunger.

"We must expand our areas of vital services to assure that the abundance produced by American farms, the resources available in farm and rural America, and the knowledge developed by agricultural science are used to support an era of better living for all our people."

A NEW PLATEAU

In releasing the report, the Secretary pointed out that although farm income in 1966 was 40 percent more than in 1960 and farm prices averaged 13 percent higher, it is proving difficult to continue the advance in 1967. "We have reached a new plateau. Farmers still face big problems. The art of balancing production with demand is far from perfected. Largely as a result of a bumper world grain crop and increased domestic production of hogs, cattle, poultry and milk, farm prices have dropped sharply from the peak reached last August.

"We are using all available programs, including price support, purchase programs, and other marketing aids, to strengthen farm prices and income. We expect farm prices to strengthen and farm income to come close to last year's record. It is vital that the gains of recent years be not only maintained but expanded. Despite their immense contributions to the economy, our farmers are still being inadequately rewarded."

Mr. Freeman concludes his report with an epilog in which he says: "Ours is an age of collapsed time. We see more technological and scientific progress in a year—perhaps in a month—than our ancestors saw in a century. . . .

"The challenge of our generation is to turn the scientific, technological, and information explosions to the advantage of the human race.

"And we in agriculture are particularly challenged—because agriculture can, must, and, I believe, will provide many of the most basic tools. Fortunately, the continuing progress of the year 1966 gives promise that agriculture can and will meet its Challenge—Today and Tomorrow."

A CHOICE OF APPOINTMENT

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, all Americans who believe in the fairness of advancement through merit, ability, and qualification will agree in the wisdom in the appointment to the Supreme Court of Mr. Thurgood Marshall.

The appointment by President Johnson of Mr. Marshall as Associate Justice of the Supreme Court is a well-deserved tribute to a brilliant jurist, a law scholar, an experienced and able attorney, and an outstanding American.

The appointment has received widespread acclaim. I am glad to report that recent editorials in the Nashville Tennessean and the Nashville Banner have commended our President for this nomination.

The Nashville Tennessean stated in its editorial:

It would be difficult, if not impossible, to find a candidate for the Supreme Court with better recommendations than Mr. Marshall's.

The Nashville Banner states in its editorial:

On its merits the only valid basis for such judicial appointment, or for impartial evaluation of it, the nomination accords with reasoned judgment.

I fully concur with the view that Mr. Marshall "has accented the law and constitutional processes . . . and condemned violence as the method of its implementation."

Under unanimous consent, I insert into the RECORD the editorials from the Nashville Tennessean and the Nashville Banner endorsing Thurgood Marshall's appointment:

A CHOICE APPOINTMENT

There are two reasons why Mr. Thurgood Marshall should have been appointed to the United States Supreme Court.

One—and the most important—is that he has superior qualifications for the job. The supporting reason is the simple demand of justice that he be the first member of his race to serve on the nation's highest court.

No justice now sitting on the Supreme Court has higher qualifications in ability and experience than Mr. Marshall has.

The new associate justice finished law school at the head of his class. As general counsel for the National Association for the Advancement of Colored People, he argued 32 cases before the Supreme Court, winning all but three of them.

His landmark victory was the 1954 decision by the court outlawing segregation in the schools.

Mr. Marshall then served four years as a federal judge on the U.S. Second Court of Appeals in New York. He was appointed U.S. Solicitor General in 1965. As solicitor general, he argued 18 cases for the government before the Supreme Court. He won 13 of them.

Thus the record of Mr. Marshall's ability and experience is clear and convincing. So is the record of his love for the devotion to the law, and his adherence to legal processes for the settlement of issues.

Yet, despite his undisputed qualifications, some will say he should not have been appointed to the Supreme Court and that his appointment was made on the basis of political considerations.

There can be little doubt that political results may come from the appointment of Mr. Marshall. But this is no reason why the appointment should not have been made.

The new associate justice—grandson of a slave and son of a Pullman steward—symbolizes the rapid progress of his race over the past two generations. And the most spectacular progress was brought about through his own initiative and skill before the bar of justice.

It would be difficult, if not impossible, to find a candidate for the Supreme Court with better recommendations than Mr. Marshall's. If his appointment sprang from political considerations—and what Supreme Court appointment did not—the nation can be thankful that the political forces worked out to put such an outstanding legal talent on the court.

MARSHALL IS QUALIFIED

President Johnson's nomination of Thurgood Marshall as Associate Justice Tom C. Clark's successor on the U.S. Supreme Court comes as no surprise. That the nominee would become the first Negro on that tribunal was almost a foregone conclusion, as widely speculated at the time of his 1965 appointment as Solicitor General.

In the latter capacity—No. 3 official in the Justice Department—he has capably borne the responsibilities assigned; the government's lawyer in cases before the supreme bench, having personally argued 19 of these. Of further significance as to preparatory experience, he served for about three years as a judge of the U.S. Circuit Court of Appeals handling cases from New York, Connecticut and Vermont.

Thus he has not only scholarship in law, but a background of judicial record, as a basic qualification. As firmly as any present member of the Supreme Court, and more so than most of these, he has spoken out against elements of anarchy in the civil rights movement—and that as recently as June 7 of this year.

Admittedly the strong advocate of racial equality—within the meaning of full citizenship and opportunity incorporated in that term—he has accented the law and constitutional processes to that end and condemned violence as the method of its implementation.

On its merits, the only valid basis for such judicial appointment, or for impartial evaluation of it, the nomination accords with reasoned judgment.

FLAG DESECRATION AMENDMENTS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CORMAN. Mr. Speaker, we have just concluded passage of H.R. 10480 which purports, among other things, to be a bill to prohibit the burning of the flag. We also adopted an amendment offered by Mr. BIESTER and myself to require that the word "knowingly" be inserted before the words "cast contempt" making it clear that the House intended a contemptuous state of mind on the part of the accused. It is to be noted that the word "burning" was added to the bill during the Committee of the Whole by a committee amendment.

Both of these amendments were passed in the Committee of the Whole by an overwhelming vote. They are, however, not a part of the legislation we have just passed because of the parliamentary effect of the passage in the Committee of the Whole and the subsequent defeat in the House of the Wyman amendment. Because of the fate of the Wyman amendment the words "burning" and "knowingly" were both deleted from the bill as finally passed.

It was obviously the intent of an overwhelming number of Members that those words should be included. It is hoped that an opportunity will present itself to correct this matter before H.R. 10480 finally becomes law.

PRESIDENT'S PROPOSAL FOR SETTLEMENT IN THE MIDDLE EAST

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. ADDABBO] is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, the five-point proposal for settlement in the Middle East offered by the President yesterday is a fair and sensible approach to lasting peace in that explosive area of the world. President Johnson has urged an even-handed solution to the basic problems which underly both the outrageous aggression against Israel over the last 20 years and Israel's rebirth as a State in 1948. He has called on the parties to move the temporary cease-fire towards a permanent armistice by sitting in conference with the Israelis to iron out at least some of the immediate problems which threaten the peace and security of the Middle East—problems such as Arab recognition of Israel and the Palestine refugee question. Of equal significance is the President's plea for a monitored limitation of the arms race in the Middle East. There are grave doubts that this war would have occurred had not the Arab military been supplied with Soviet weapons, just as there is some doubt about Israel's ability to meet the Arab threat without the aid of Western munitions. Mr. Speaker, I commend the President on his strong and forthright stand on the Arab-Israel hostilities. After listening to Premier Kosygin's remarks less than an hour after President Johnson's address, unfortunately, I cannot refrain from mentioning at this time that I feel his approach on this important attempt to bring about a two-party negotiation was a direct insult on the American people, and could no way lead to permanent peace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARDY (at the request of Mr. SATTERFIELD), for today, June 20, 1967, on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. ROTH), for 10 minutes, on June 22.

Mr. CONTE (at the request of Mr. ROTH), for 10 minutes, today.

Mr. ADDABBO (at the request of Mr. ECKHARDT), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ADAMS.

Mr. RARICK and to include extraneous matter.

Mr. WILLIS and to include extraneous matter.

Mr. LUKENS.

Mr. ROONEY of New York to extend his remarks made in the Committee of the Whole and include extraneous matter.

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. WYDLER.

Mr. DUNCAN.

(The following Members (at the request of Mr. ECKHARDT) and to include extraneous matter:)

Mr. MURPHY of New York.

Mr. GILBERT.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution

of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and

H.J. Res. 601. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 617. An act to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions; and

S. 1649. An act authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army.

ADJOURNMENT

Mr. ECKHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

849. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 23d semiannual report of the activities of the Foreign Claims Settlement Commission of the United States as of December 31, 1965, pursuant to the provisions of section 9 of the War Claims Act of 1948, as amended, and section 3(c) of the International Claims Settlement Act of 1949, as amended; to the Committee on Foreign Affairs.

850. A letter from the Comptroller General of the United States, transmitting a report of need for compliance with the Truth in Negotiations Act of 1962 in award of construction contracts, Department of Defense; to the Committee on Government Operations.

851. A letter from the Comptroller General of the United States, transmitting a report of review of charges for accessorial services on overseas household goods shipments, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 597. A Resolution providing for the consideration of H.R. 10867, a bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 370). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 514. Resolution to create a select committee to regulate parking on the House side of the Capitol (Rept. No. 371). Referred to the House Calendar.

Mr. HENDERSON: Committee on Post Office and Civil Service. S. 1320. An act to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes; with amendment (Rept. No. 372). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 10943. A bill to amend and extend title V of the Higher Education Act of 1965; with amendment (Rept. No. 373). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10996. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 10997. A bill to amend subsection (c) of section 501 of the Internal Revenue Code by making it clear that the tax exemption of a civil league or organization exclusively for the promotion of social welfare shall not be affected because of income, including subscription and advertising income derived from carrying on any publication, such as a journal, which is substantially related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

H.R. 10998. A bill to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 by making it clear that the income, including subscription and advertising income, derived by an organization in carrying on any publication, such as a trade or professional journal, shall not be deemed to be unrelated business taxable income if the publication is substantially related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

By Mr. DEL CLAWSON:

H.R. 10999. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself, Mr. WIDNALL, and Mr. BARRETT):

H.R. 11000. A bill to provide Federal financial assistance to help cities and communities of the Nation develop and carry out intensive local programs of rat control and extermination; to the Committee on Banking and Currency.

By Mr. CUNNINGHAM:

H.R. 11001. A bill to amend titles 10 and 32, United States Code, to provide Federal support for defense forces established under section 109(c) of title 32; to the Committee on Armed Services.

H.R. 11002. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit certain property to be declared excess or exchanged with other Federal agencies whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes; to the Committee on Government Operations.

H.R. 11003. A bill to amend the Disaster Relief Act of 1966 to provide for a national program of flood insurance; to the Committee on Public Works.

By Mr. DOLE:

H.R. 11004. A bill to amend title II of the Social Security Act to increase the amount of the benefits due an individual at his death which may be paid directly to his surviving spouse; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 11005. A bill to amend the organic act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ERLENBORN:

H.R. 11006. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility to interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

H.R. 11007. A bill to amend title 28, United States Code, to provide that the Supreme Court may not in any case hold any provision of law invalid under the Constitution of the United States unless at least six Justices of the Court concur in that holding; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 11008. A bill to amend title 28, United States Code, to withdraw from courts of the United States jurisdiction with respect to State juvenile proceedings; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11009. A bill to provide for the establishment of the Negro History Museum Commission; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11010. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 11011. A bill to amend the Internal Revenue Code of 1954 to allow a depreciation deduction for the wear and tear of real property used as the taxpayer's principal residence; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 11012. A bill to provide for the establishment of the Negro History Museum Commission; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 11013. A bill to amend the Public Health Service Act in order to establish in the Public Health Service the position of Chief Veterinary Officer; to the Committee on Interstate and Foreign Commerce.

H.R. 11014. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 11015. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 11016. A bill to amend title II of the Social Security Act to permit an individual to file application for disability insurance benefits or the disability freeze after the expiration of the regularly prescribed period for filing such application where the failure

to file within such period was due to good cause; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 11017. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 11018. A bill to direct the Secretary of the Interior to undertake a study of pelagic forage fish inhabiting the ocean off southern California; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPE:

H.R. 11019. A bill to amend section 202 of the Agricultural Act of 1956; to the Committee on Agriculture.

By Mr. KUPFERMAN:

H.R. 11020. A bill to authorize the appropriation of $3 million as an ex gratia payment to the city of New York to assist in defraying expenses incurred during the sessions of the United Nations; to the Committee on Foreign Affairs.

H.R. 11021. A bill to provide for reimbursement to New York City for a portion of the costs incurred in providing security for delegates to the United Nations; to the Committee on Foreign Affairs.

By Mr. McFALL (by request):

H.R. 11022. A bill to repeal the provisions of title II of the Demonstration Cities and Metropolitan Development Act of 1966 which require comprehensive planning or review by an areawide agency as a prerequisite of Federal assistance to public works projects, to nullify all other provisions of Federal law which impose similar requirements, and for other purposes; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 11023. A bill to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RESNICK:

H.R. 11024. A bill to assist rural communities in constructing or acquiring needed facilities for the establishment of medical clinics to serve rural areas; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES of Arizona:

H.R. 11025. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 11026. A bill to amend section 3 of the act of September 15, 1960, for the purpose of facilitating the conduct of the fish and wildlife conservation and rehabilitation program authorized by that act; to the Committee on Merchant Marine and Fisheries.

By Mr. BUSH:

H.R. 11027. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIEDEL, Mr. FALLON, Mr. GARMATZ, Mr. MACHEN, and Mr. LONG of Maryland:

H.R. 11028. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania:

H.R. 11029. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 11030. A bill to increase the monthly disability and death compensation payable to certain persons under the War Hazards Compensation Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 11031. A bill to amend the Fair Labor Standards Act of 1938 to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas; to the Committee on Education and Labor.

H.R. 11032. A bill to amend section 4(e) of the Fair Labor Standards Act of 1938 to require the Secretary of Labor to investigate the effect of foreign competition on domestic employment when a complaint is filed by an employer or labor organization; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 11033. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. MACDONALD of Massachusetts:

H.R. 11034. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11035. A bill relating to the appointment and promotion of deputy U.S. marshals; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 11036. A bill to amend the Internal Revenue Code of 1954 to provide that 20 percent of the members of an exempt voluntary employees' beneficiary association may be self-employed; to the Committee on Ways and Means.

By Mr. SMITH of Oklahoma:

H.R. 11037. A bill to amend the repayment contract with the Foss Reservoir Master Conservancy District, to authorize the temporary completion of the water supply distribution system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EVERETT:

H.R. 11038. A bill to amend title 38 of the United States Code in order to restore certain widows' benefits in certain cases; to the Committee on Veterans' Affairs.

By Mr. NELSEN:

H.R. 11039. A bill to establish cooperative extension services in the District of Columbia; to the Committee on Agriculture.

By Mr. STEED:

H.R. 11040. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY:

H.J. Res. 647. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. EILBERG:

H.J. Res. 648. Joint resolution to establish a National Advisory Commission on Fire Prevention and Control; to the Committee on Banking and Currency.

By Mr. WILLIAM D. FORD:

H.J. Res. 649. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. MULTER:

H.J. Res. 650. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. WYDLER:

H.J. Res. 651. Joint resolution providing for the issuance of a postage stamp in honor of law enforcement personnel and agencies in the United States of America; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H. Con. Res. 374. Concurrent resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. STANTON:

H. Con. Res. 375. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H. Res. 598. Resolution expressing the sense of the House with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. GARDNER:

H. Res. 599. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HARVEY:

H. Res. 600. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. LUKENS:

H. Res. 601. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MIZE:

H. Res. 602. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SHRIVER:

H. Res. 603. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BARING:

H. Res. 604. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BRADEMAS:

H. Res. 605. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROCK:

H. Res. 606. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H. Res. 607. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia:

H. Res. 608. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida:

H. Res. 609. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BUTTON:
H. Res. 610. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BYRNE of Pennsylvania:
H. Res. 611. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. COLLIER:
H. Res. 612. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DENNEY:
H. Res. 613. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. DWYER:
H. Res. 614. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. GUDE:
H. Res. 615. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HAGAN:
H. Res. 616. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HALPERN:
H. Res. 617. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HUNGATE:
H. Res. 618. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HUNT:
H. Res. 619. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KUPFERMAN:
H. Res. 620. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:
H. Res. 621. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KYROS:
H. Res. 622. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. LEGGETT:
H. Res. 623. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MACDONALD of Massachusetts:
H. Res. 624. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. MAY:
H. Res. 625. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MORRIS:
H. Res. 626. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. NICHOLS:
H. Res. 627. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RAILSBACK:
H. Res. 628. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. REES:
H. Res. 629. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. REINECKE:
H. Res. 630. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROBISON:
H. Res. 631. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RYAN:
H. Res. 632. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:
H. Res. 633. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHEUER:
H. Res. 634. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHWEIKER:
H. Res. 635. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:
H. Res. 636. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SHRIVER:
H. Res. 637. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SLACK:
H. Res. 638. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SMITH of New York:
H. Res. 639. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. UDALL:
H. Res. 640. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN:
H. Res. 641. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. VANDER JAGT:
H. Res. 642. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WALDIE:
H. Res. 643. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WALKER:
H. Res. 644. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WHALEN:
H. Res. 645. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WHALLEY:
H. Res. 646. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Pennsylvania:
H. Res. 647. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WYMAN:
H. Res. 648. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BIESTER:
H. Res. 649. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BUSH:
H. Res. 650. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:
H. Res. 651. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROTH:
H. Res. 652. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:
H. Res. 653. Resolution providing for investigation of National Labor Relations Board; to the Committee on Rules.

By Mr. BUSH:
H. Res. 654. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. THOMPSON of Georgia:
H. Res. 655. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:
H.R. 11041. A bill for the relief of Samuel H. Buyco and his wife, Dr. Alicia D. Buyco, and their child, Randall Buyco; to the Committee on the Judiciary.

By Mr. ADDABBO:
H.R. 11042. A bill for the relief of Adelina Marylin Soto Aristy; to the Committee on the Judiciary.

By Mr. BURTON of California:
H.R. 11043. A bill for the relief of Julie Van (also known as Fing Lang Van) and her minor son, Robert Van (also known as Pak Hyun Choi and Robert Giordano); to the Committee on the Judiciary.

By Mr. CONTE:
H.R. 11044. A bill for the relief of Maria Manzo; to the Committee on the Judiciary.

By Mr. DOLE:
H.R. 11045. A bill for the relief of Wayne E. Pritchard; to the Committee on the Judiciary.

By Mr. FARBSTEIN:
H.R. 11046. A bill for the relief of Charita Cam; to the Committee on the Judiciary.
H.R. 11047. A bill for the relief of Shaker Moallem; to the Committee on the Judiciary.
H.R. 11048. A bill for the relief of George Tsolkas; to the Committee on the Judiciary.

By Mr. GONZALEZ:
H.R. 11049. A bill for the relief of Raymond P. Guzman; to the Committee on the Judiciary.

By Mr. MULTER:
H.R. 11050. A bill to incorporate the Paralyzed Veterans of America; to the Committee on the District of Columbia.

By Mr. ST GERMAIN:
H.R. 11051. A bill for the relief of Hwei Shwen Hwa; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Clearing the Air

EXTENSION OF REMARKS
OF
HON. JOHN W. WYDLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 20, 1967

Mr. WYDLER. Mr. Speaker, a full page advertisement recently appeared in the New York Times with the headline "We'd Like To Clear the Air." The ad, of course, deals with the serious and far-reaching health problem facing each of us today—air pollution. Naturally, there are many companies who have attempted to develop or who are currently developing commercial devices designed to lessen the pollutants emitted in the air by automobiles, one of the major culprits in the air pollution problem. However, one man with a highly developed sense of public service has manufactured such a device and has offered a number of them absolutely free of charge to such agencies as the police department, the fire department, Con Edison, and the like for their motor vehicles.

That man is Mr. Abe Shikes, president of Aurora Plastics Corp. of West Hempstead, Long Island, N.Y.

I had occasion to personally visit with Abe Shikes, president of Aurora, to investigate and check on this new anti-smog automobile system. In checking the technicalities involved, I found that Vac-U-Tron was a permanent and fully sealed crankcase emission control system and that chemically it was the only system that reduces the emission of oxides of nitrogen, the substance that does most of the damage.

But the important thing to know is that Mr. Shikes and his company are discharging their responsibilities not just to their stockholders, but to the public at large. It is for this reason that I feel that Mr. Shikes should be applauded by all good citizens and our Government for his enlightened concept of public service in forgoing any commercial reward in order to make it possible for this important new concept in smog control to be fully tested by various civic and private automobile fleets.

This is the kind of public spirited action which has often made the United States the focal point of free enterprise and it is typical that this patriotic citizen is a 20th-century Horatio Alger.

Born in Russia in 1908, Mr. Shikes went out into the world at age 13, and today he heads the world's largest manufacturer of hobby products.

If we are to succeed ultimately in literally clearing the air, it will be because of the efforts of men like Abe Shikes and our free enterprise system.

Small-Plane Accidents Cause for Concern

EXTENSION OF REMARKS
OF
HON. DONALD E. LUKENS
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 20, 1967

Mr. LUKENS. Mr. Speaker, I was very much interested in the remarks yesterday of my friend and colleague, Congressman BROWN of Ohio. Along with all other Ohioans, I was deeply disturbed only a short time ago when the mid-air collision between an airliner and a private plane over our State claimed the tragic total of 26 lives.

And I believe, Mr. Speaker, this might be the time to correct some of the common misconceptions which have arisen over the frequent number of small-plane accidents in this country over the past few years.

There has been a great deal written about the skies being filled with small planes and about the airways beginning to reach the saturation point. There also has been much discussion about poorly made planes and mechanical failures leading to small-plane crashes.

But at least one recent study reveals that of all the millions of takeoffs, and landings made by small planes in this country during the past year, there were only 13 collisions and 18 fatalities recorded. It also disclosed that small-plane engines very rarely fail, and that mechanical failure is a very small factor in the small-plane crash total.

Nevertheless, there are approximately 5,000 accidents involving more than 1,000 deaths every year involving small planes. This is a staggering and unnecessary loss of life.

And, I submit, Mr. Speaker, that the major cause lies in human frailty and in poor judgment on the part of the people flying these small planes.

Investigation discloses, for example, that many crashes result because pilots forget to have their gasoline checked before they take off, or because they disregard weather warnings. Others exercise extremely poor judgment by flying while under the influence of alcohol, or when they have taken tranquilizers or other drugs which adversely affect their reflexes and reaction time.

Mr. Speaker, I believe the record will show abundant evidence that human judgment, rather than mechanical failure or overloading of the airways, is the root cause of the vast majority of these tragic accidents. I believe greater efforts must be made to impress upon people who obtain private pilot licenses that they have a responsibility to themselves and to others to exercise extreme caution when they take to the air.

The Baltic States

EXTENSION OF REMARKS
OF
HON. ABRAHAM A. RIBICOFF
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES
Tuesday, June 20, 1967

Mr. RIBICOFF. Mr. President, June 15 marked the day—27 years ago—when Soviet control of Lithuania, Latvia, and Estonia began.

On that day in 1940, the Red army invaded Lithuania and surrounded the Lithuanian troops. Under Russian con-